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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Sixth periodic report of States parties

Nicaragua*

* The present report is being issued without formal editing.

For the initial report submitted by the Government of Nicaragua, see CEDAW/C/5/Add.55 which was considered by the Committee at its eighth session. For the second periodic report submitted by the Government of Nicaragua see CEDAW/C/13/Add.20, which was considered by the Committee at its twelfth session. For the third periodic report submitted by the Government of Nicaragua see CEDAW/C/NIC/3, which was considered by the Committee at its twelfth session. For the fourth periodic report submitted by the Government of Nicaragua see CEDAW/C/NIC/4, which was considered by the Committee at its twenty-fifth session. For the fifth periodic report submitted by the Government of Nicaragua see CEDAW/C/NIC/5, which was considered by the Committee at its twenty-fifth session.

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Contents

	Page
Foreword	3
Introduction	4
Part One: General characteristics	4
Territory and population	4
General political structure	8
General normative framework for the protection of human rights	8
Information and publicity	9
Part Two: Analysis of the articles of the Convention Policies and measures to eliminate discrimination against women	9
Article 1: Definition of discrimination	9
Article 2: Obligations of States parties	9
Article 3: Appropriate measures to ensure the full development and advancement of women	11
Article 4: Temporary special measures to combat discrimination against women	13
Article 5: Modification of social and cultural patterns	14
Article 6: Suppression of the exploitation of women	15
Article 7: Equality in political and public life at the national level	17
Article 8: Equality in political and public life at the international level	19
Article 9: Equality under the law with respect to nationality	20
Article 10: Equal rights in the field of education and training	20
Article 11: Equal rights in the field of employment and work	24
Article 12: Equal access to health care	29
Article 13: Economic and social security	40
Article 14: Rural women	42
Article 15: Equality before the law and in civil matters	46
Article 16: Marriage and family law	48
Violence against women	49
Part Three: Factors and difficulties affecting the fulfilment of obligations under the Convention	51
Bibliography	53

Foreword

The purpose of this report is to honour the commitments undertaken by the Republic of Nicaragua when it signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women.

The report was prepared by the Nicaraguan Institute for Women, in its capacity as the national machinery for gender equity and in an effort to fulfil its legal mandate to follow up on public policies for the advancement of women and for ensuring equal rights and opportunities for men and women.

The United Nations Population Fund provided technical and financial support for the report's preparation. The first draft contained a systematic overview of the main documentary and statistical data produced in Nicaragua by various State and non-governmental institutions, universities and experts. These data were supplemented with information gathered in interviews with experts and key informants. Critical discussion of the report made it possible to incorporate additional information.

The Nicaraguan Government, led by President Enrique Bolaños Gayer, is pleased to submit this sixth report to the Committee for its consideration, in accordance with the commitment undertaken by the country when it ratified the Convention.

Martha Julia **Lugo de Zahner**
Executive Director
Nicaraguan Institute for Women

Introduction

1. The Republic of Nicaragua ratified the Convention on the Elimination of All Forms of Discrimination against Women on 10 August 1981. In accordance with article 18 of the Convention, Nicaragua has submitted five reports to the Committee on the Elimination of Discrimination against Women, the body responsible for reviewing the progress made in implementing that instrument.

2. The most recent reports, the fourth and fifth, were submitted to the Secretary-General of the United Nations in August 1998 for the Committee's consideration. On 17 July 2001, they were presented to the Committee at its twenty-fifth session by representatives of the Government of Nicaragua.

3. This document is the sixth report on the measures adopted by Nicaragua to comply with the provisions of the Convention, and covers the period from 1999 to 2002. The Committee's comments on the previous report were taken into consideration during the drafting process, as were the opinions and joint analyses provided by representatives of State institutions and civil society with regard to the current situation and the progress made during the reporting period.

4. The report is divided into three parts. The first part provides general information on Nicaragua and describes the social, economic and political context during the reporting period. The second part contains a detailed review of the implementation of each article of the Convention, including an analysis of the progress made and of relevant trends. The third part gives an overview of the main challenges that the Government of Nicaragua must address in the short and medium terms to ensure that the Convention is implemented more effectively.

5. With regard to the Committee's comments and recommendations on the country's previous report, the Government of Nicaragua welcomes the acknowledgement of the progress made and points out that the actions taken in response to the Committee's observations and concerns are described in the text of this report.

Part One
General characteristics

Territory and population

6. With a total surface area of 139,000 km^2, Nicaragua is the largest country in the Central American isthmus. The country's official language is Spanish, but the indigenous communities living along the Atlantic coast speak a number of different languages (Miskito, Sumu, Rama and English). Seventy-three per cent of Nicaragua's population is Catholic, 15.1 per cent is Evangelical and 1.5 per cent is Moravian. Two per cent of the population belongs to other faiths and 8.4 per cent does not practise any religion.[1]

7. The Pacific and central regions are home to the indigenous communities of Subtiava, Monimbó, Matagalpa and Las Segovias, while the Caribbean region is home to aboriginal ethnic groups. According to data from the 1998 demographic

[1] National Institute of Statistics and Censuses, national household survey on standards of living, 2001.

and health survey, the ethnic make-up of the Nicaraguan population is as follows: mestizo (69 per cent), white (17 per cent), black (9 per cent) and Amerindian (5 per cent). There are no precise percentage data available on other races or ethnic groupings, such as the indigenous Miskita, Sumu (Mayangna), Rama and Garífona and their subsequent mixture with African and mestizo peoples. There are no data disaggregated by sex.

8. Simultaneous and interdependent processes of demographic, social, political and economic transition are taking place in Nicaragua at varying speeds. The Nicaraguan population, estimated at 5.2 million in 2001, is growing at an average rate of 2 per cent per year, which is one of the highest rates in Latin America. Population density is 43.3 inhabitants per km^2.

9. The urban population (57.5 per cent of the total) is larger than the rural population (47.4 per cent). About 50.2 per cent of the population is female and 49.7 per cent is male. Children and adolescents account for 54 per cent of the population, while people over the age of 65 account for just 3 per cent. Overall, the country has an extremely young population profile, which is why the economically active population (EAP) accounts for only 35 per cent of the total. That, in turn, indicates a high demographic dependency ratio.

10. As measured by the human development index, Nicaragua ranks 118th out of the 173 countries covered by the 2002 *Human Development Report* published by the United Nations Development Programme (UNDP). That same year, Nicaragua ranked 97th in terms of the gender-related development index, having improved from its 1998 position of 115th.

11. According to data from the 2001 demographic and health survey, the total fertility rate appears to have decreased from 3.6 children per woman in 1998 to 3.2 in 2001. However, this decline was not observed uniformly among all social groups. While the average fertility rate among urban women is 2.6 children per woman, the rate for rural women is 4.4. In addition, there are differences related to income quintile and level of education. The difference between desired and actual fertility is wider among lower-income women (whose desired and actual fertility rates are 3.8 and 5.5, respectively) than among higher-income women (2.5 and 1.7, respectively). Uneducated women have almost four times as many children as women with university, technical or higher education.

12. The rate of teenage pregnancy in Nicaragua is one of the highest in the western hemisphere. Although it went down slightly between 1998 and 2001, almost half of the country's women give birth to their first child before reaching the age of 20. In 2001, 46 per cent of uneducated teenage girls had already given birth or were pregnant, as against 5 per cent of teenage girls attending university.

13. High fertility, which is generally found among poor women and teenagers, accentuates the phenomenon of maternal morbidity and mortality. Between 1990 and 2000, maternity was the primary cause of death among women of childbearing age. In 2001, the average maternal mortality ratio was 121 per 100,000 live births, but in the regions with the worst results, the ratio was over 300 per 100,000.

14. Life expectancy at birth is about 70 years (67 for men and 72 for women), as against under 60 years in 1980.

15. Nicaragua continues to be one of the poorest countries in Latin America. According to the country's Central Bank, GDP for 2001 was $2,547 million and per capita GDP was $489.30, which is a third of the regional average. As a consequence, a high percentage of the country's population, 45.8 per cent, is living in poverty, while 15.1 per cent of the total population lives in extreme poverty. Both overall poverty and extreme poverty are concentrated in rural areas, which are home to 76 per cent of the poor population. A combined-method analysis of the figures shows that poverty is more prevalent among women and among the inactive or unemployed population (International Foundation for Global Economic Development, 2002).

Table 1
Poverty levels, calculated using the unmet basic needs (UBN) method, 1998-2001 (Percentages of the population)

	Overall poverty		*Extreme poverty*	
	1998	*2001*	*1998*	*2001*
Nationwide	76.7	74.8	50.3	44.4
Urban	71.5	70.0	43.3	38.1
Rural	82.9	81.5	58.6	53.1
Managua	62.7	61.8	34.0	27.2
Pacific, urban	75.6	73.4	44.3	42.5
Pacific, rural	70.5	69.6	44.0	37.7
Central, urban	85.0	86.6	63.1	61.1
Central, rural	90.0	88.7	74.7	67.0
Atlantic, urban	93.2	—	77.9	65.3

16. According to Central Bank estimates, total external debt at the end of June 2002 was over $6.4 billion, and domestic debt amounted to $1.7 billion. When these figures are compared to GDP, the limitations on the provision of public goods and services become clear.

17. The respective shares of households headed by women and those headed by men did not vary significantly between 1998 and 2001, according to official figures. In rural areas, almost 19 per cent of households are headed by women. Nevertheless, different tabulations of the same data from the 2001 survey on standards of living reveal variations between different major regions and poverty levels. In the rural part of the Pacific region, female headship went down among non-poor households (from 19.5 per cent to 17.5 per cent), while it increased among poor households, particularly among the extremely poor (from 22.6 per cent to 27.0 per cent). Data from the 2001 demographic and health survey indicate that the percentage of households headed by women is higher among households that report migrant members. That is the case regardless of the sex of the migrants, although in rural areas the percentage is highest (37 per cent) in the case of households reporting only migrant men. In contrast to these official figures, research by the International Foundation for Global Economic Development directed towards detecting gender gaps put the percentage of female headship in rural areas at 27.5 per cent in 2002.

18. Nicaragua has high rates of female participation at all levels of education. Official data for 2001 show a gross enrolment ratio of 35 per cent (boys and girls), with the gross ratio for girls being slightly higher than that for boys, at 35.5 per cent and 34.8 per cent respectively. The net primary school attendance rate was 74.5 per cent for boys and 79.8 per cent for girls. In secondary education, the gross enrolment ratio at the national level in 2001 was 45 per cent, with 48.5 per cent for females and 41.5 per cent for males. The retention index at the secondary level is higher for females (93.6 per cent) than it is for males (90.1 per cent).

19. Despite these advances, discriminatory factors remain, both in educational establishments and in socialization processes in the workplace.

20. In aggregate terms, out of every 100 children between the ages of 7 and 12, almost 23 do not attend school.

21. In recent years, Nicaragua's labour market has become more precarious and more informal. The annual rate of increase in the EAP is 4 per cent, for exceeding the rate of growth of the total population. As a result, every year the pressure on the job market increases. Major efforts have been made to reduce open unemployment, which in 1999 stood at 10.7 per cent of the EAP. Nevertheless, employment continues to be the most acute problem for the population of Nicaragua, especially for young people in both urban and rural areas and for rural women. In the period covered by this report, the participation of women in the EAP increased by 2.3 percentage points, from 55.2 per cent in 1999 to 57.5 per cent in 2001.

22. The rate of international migration from Nicaragua is among the highest in the countries of Latin America. International migrants number at least half a million (some 10 per cent of the country's population), and are concentrated primarily in the United States and Costa Rica. Nicaragua shares the Latin American migratory pattern of a trend towards greater numbers of female migrants. However, it is a matter of concern that this female migration does not take place within a protective framework, given the risks of travelling without identity documents and the trafficking to which some women are subjected in their journey to or stay in the host country. Nor is there full awareness of the impact on family members who remain behind, especially children, since a significant proportion of the migrants are mothers. The migrant population as a whole has not benefited from mechanisms for the protection of their fundamental rights.

23. Data from the 2001 demographic and health survey show that there was a sharp increase in international emigration from rural areas between 1998 and 2001. The number of migrants per year tripled during this period, primarily among men (increasing from 33 to 132), although it also increased significantly among women (from 34 to 84). Out of the female rural migrants, 79 per cent were between the ages of 20 and 49 at the time of the survey, while 17 per cent were under the age of 20. A total of 69 per cent of the female rural migrants were daughters of the head of household who answered the survey. This percentage increases to 71 per cent if only the migrant female EAP of rural origin is counted. Forty per cent of the migrant female EAP of rural origin has secondary education or higher, as against only 18 per cent of the non-migrant female EAP. However, 73 per cent of these migrant women are concentrated in occupations related to domestic work and similar tasks, and 79 per cent are in occupations classified as unskilled. Working conditions in host countries are worse for rural migrant women than they are for rural migrant men and urban migrant men and women.

24. Attention should be drawn to the correlation, in rural areas, between poverty levels and the receipt or non-receipt of remittances, particularly among households headed by women.

Table 2
Poverty status of households, by receipt or non-receipt of remittances and sex of head of household

	Rural areas			
	Not receiving remittances		*Receiving remittances*	
Poverty status	*Male head*	*Female head*	*Male head*	*Female head*
Indigent	24%	27%	12%	16%
Non-indigent poor	37%	44%	36%	14%
Non-poor	39%	30%	52%	70%

Source: Study on migration of Nicaraguans to other countries, analysed from the gender perspective, based on data from the 2001 survey on standards of living.

General political structure

25. According to the country's Political Constitution, Nicaragua is an independent, free, sovereign, unitary and indivisible State, with no official religion. The Nicaraguan State is a democratic, participatory and representative Republic. The Nicaraguan nation is a social State governed by the rule of law. The national territory is divided, for administrative purposes, into departments, autonomous regions of the Atlantic coast, and municipalities. The municipalities are the basic units of the country's system of administrative division.

26. The Nicaraguan State is composed of four authorities: executive, legislative, judicial and electoral. Executive authority is exercised by the President of the Republic, who is Head of State, Head of Government and Supreme Head of the Nicaraguan Army. Legislative authority is exercised by the National Assembly as delegated and mandated by the people. The National Assembly is composed of 92 men and women representatives, elected by universal, equal, direct, free and secret suffrage, under the system of proportional representation. The administration of justice is the responsibility of the judicial authority, which is composed of the Courts of Justice established by the Organic Law of the Judiciary: the district and local courts, the appeals courts and the Supreme Court of Justice. Electoral authority is exercised by the Supreme Electoral Council and subordinate electoral bodies.

27. The General Accounting Office of the Republic, the Office of the Attorney General, the Office of the Human Rights Ombudsman, the Superintendency of Banks and the Superintendency of Pensions are oversight bodies vested with constitutional authority.

General normative framework for the protection of human rights

28. The Political Constitution of Nicaragua, which entered into force in 1987, provides for the equality of individuals before the law and for the protection and enjoyment of their political rights, without discrimination on the grounds of birth, nationality, political views, race or sex. The State is legally required to eliminate

obstacles to Nicaraguans' effective participation in the country's political, economic and social life.

29. Under the Constitution, all persons enjoy State protection and recognition of the rights inherent in the human condition, as well as full respect for, and promotion and protection of, the human rights enshrined in the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the American Convention on Human Rights of the Organization of American States (OAS), together with the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other human rights treaties ratified by Nicaragua.

30. For the protection, oversight and restoration of human rights, the *Amparo* Act (which has constitutional force) provides for the remedies of unconstitutionality, habeas corpus and *amparo* proper.

Information and publicity

31. State and government organizations concerned with the rights of Nicaraguan women regularly disseminate information about international and domestic legal instruments for the protection of women's and girls' human rights. The Nicaraguan Institute for Women, the Office of the Special Procurator for Women, other State agencies and organizations of civil society have published the full text of the Convention, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the Beijing Platform for Action and the National Plan of Action for the Prevention of Domestic and Sexual Violence, among other relevant texts. The Nicaraguan Institute for Women has published approximately 4,000 copies of the Convention.

Part Two
Analysis of the articles of the Convention

Policies and measures to eliminate discrimination against women

Article 1
Definition of discrimination

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2
Obligations of States parties

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

32. Nicaragua's Political Constitution provides that there shall be no discrimination on the basis of birth, nationality, political views, race, sex, language, religion, opinion, origin, economic standing or social status. It also recognizes that all individuals are equal before the law and enjoy the right to equal protection.

33. The Constitution provides for absolute equality between men and women and also stipulates the State's obligation to eliminate de facto obstacles to equality between Nicaraguans and to their participation in all spheres of life. The Constitution provides that family relations shall be based on respect, solidarity and absolute equality of rights and responsibilities between men and women.

34. Law No. 212, establishing the Office of the Human Rights Ombudsman, provides for the appointment of a Special Procurator for Women, who was appointed in 2000. The various activities carried out by the Special Procurator for Women since that date have had both direct and indirect effects on public institutions and civil society by helping to promote understanding of and respect for women's rights.

35. Law No. 320 of 1999 established, within the National Assembly, a Standing Committee on Women, Children, Youth and the Family. During the period 1999-2002, that Committee was the driving force behind the adoption of the following laws: (a) Act on Breastfeeding Promotion, Protection and Support and on the Regulation of the Sale of Breastmilk Substitutes; (b) Act on the Organization of the National Council for the Comprehensive Care and Protection of Children and Young Persons and the Office of the Children's and Young Persons' Ombudsman; (c) Act for the Promotion of the Comprehensive Development of Young Persons; (d) amendment to article 43, paragraph 2, of the Convention on the Rights of the Child; and (e) revision of the draft Family Code.

36. In 2001, the National Assembly's Standing Committee on Women, Children, Youth and the Family reviewed a draft law on equal rights and opportunities. This draft legislation has not yet been adopted.

37. The new Penal Code, adopted in December 2001 by the National Assembly, contains legal rules prohibiting discrimination and considering all discriminatory acts as offences.

38. In the field of work, labour laws ensure equal rights between men and women. Women's legal personality is recognized under a provision of the Constitution; they therefore have full capacity to enter freely into contracts, even with their own spouses.

39. The adoption of a Family Code is still pending in Nicaragua.

Article 3
Appropriate measures to ensure the full development and advancement of women

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

40. During the reporting period, Nicaragua made progress in setting up a national system of gender indicators, strengthening the institutional framework for the advancement of women and designing, adopting and implementing a series of general and sectoral public policies relating to gender equity and equality.

41. The National Institute of Statistics and Censuses, established on 4 October 1979, has designed, in coordination with the Nicaraguan Institute for Women, an information system for monitoring the situation of women and men in Nicaragua (SISESIMHN).

42. The Nicaraguan Institute for Women was established by Decree No. 293 of 22 December 1987, and is attached to the Office of the President of Nicaragua. Its Organic Law, adopted in 1993, defines it as a decentralized body established for an indefinite period, having legal personality, its own resources, full capacity to acquire rights and enter into obligations, and technical and functional independence. The Institute's task is to provide guidance in the formulation, promotion, execution and assessment of Government policies, plans, programmes and projects to promote gender equity.

43. During the period under consideration, the main actions undertaken by the Institute focused on creating the Inter-institutional Commission for Women and Rural Development; coordinating the formulation of policy statements and plans of action on gender equity in most public-sector agricultural bodies; and coordinating the formulation of the National Plan of Action for the Prevention of Domestic and Sexual Violence (2001-2006). Under the project to implement public policies with a gender perspective, the Institute supported the strengthening of cross-sectoral working groups on health, violence, education, poverty and economics, with broad Government and civil-society participation. It also facilitated the establishment of a postgraduate course on gender in statistics, and coordinated a national working

group to elaborate a profile of the Nicaraguan economy in the context of liberalization and free-trade agreements.

44. The Institute has organized a wide-ranging campaign of awareness-raising and training for State officials and has brought about significant advances in gender mainstreaming in the Government by creating institutional links to promote the fulfilment of gender equity commitments through the various sectoral ministries and the main State organs.

45. To improve its strategic actions, the Institute prepared a Strategic Plan (2002-2006) with the following goals: (a) to promote and support the review of the policies, plans, programmes and projects of State bodies in order to ensure equity and equal opportunity between women and men; (b) to mainstream the gender perspective in the national development plan; (c) to promote the Plan on Equal Opportunity for Rural Women and Gender Equity in Rural Development; (d) to coordinate the implementation of the National Plan of Action for the Prevention of Domestic and Sexual Violence; and (e) to support the finalization of SISESIMHN, which has become the System of Gender-Focused Indicators, as a tool to influence public policies.

46. From 1993 to 2001, the Institute's total budget for current and capital expenditure was equivalent to 0.03 per cent of the overall budget of the State, increasing to 0.04 per cent in 2001 and 2002. The resources allotted to the Institute, however, are insufficient to enable it to properly fulfil its important task. As a result, the execution of the actions initiated by the Institute has largely depended on international assistance.

47. The implementing regulations of Law No. 290 on the Organization, Jurisdiction and Procedures of the Executive Branch, dated 24 November 1998, provided for the creation, within the Ministry of Health, of an Office of Comprehensive Health Care for Women, Children and Adolescents. Moreover, regulations were adopted for the creation of a Family Support and Development Department within the Ministry of the Family. The task of that Department is to design programmes to reduce teenage pregnancy and to promote responsible parenthood and comprehensive, ethical and caring sex education.

48. During the period covered by this report, the National Police has incorporated gender equity as a cross-cutting element in its modernization process.[2] As for senior ranks in the police force, a proportion of 50 per cent of women has been achieved in the national police headquarters; significant progress has also been made at the levels of Commissioner (57 per cent), Assistant Commissioner (60 per cent) and Captain (17 per cent).

49. In 2000, the Government formulated an Enhanced Economic Growth and Poverty Reduction Strategy. This document reflects an integrated approach aimed at enhancing the relationship between social well-being, quality of human resources, institution-building and economic growth. The principles underlying the Strategy are State modernization, equity enhancement, transparency and participation. The Strategy served as the basis for designing the national development plan, which calls for the establishment of a participatory democracy; a State based on the rule of law that promotes and defends freedom and human rights, particularly those of

[2] Report of the National Police, 1999-2002.

women, adolescents and children; competitive markets and economic structures; and the achievement of widespread economies of scale.

50. The involvement of civil-society organizations in the formulation of these general public policies took place mostly through the National Sustainable Development Council and the National Council for Economic and Social Planning. The latter entity was established by a constitutional mandate in 1995.

51. The National Plan of Action for the Prevention of Domestic and Sexual Violence (2001-2006), adopted in 2001, is a public policy instrument that promotes and guides actions to prevent and eradicate violence against women, children and adolescents. Its legal basis is Presidential Decree No. 116-200 of 22 November 2000, which set up the National Commission on Violence against Women, Children and Young Persons.

52. In May 2002, in the framework of the national health policy for 1997-2002, General Health Act No. 423 was adopted. Following Ministerial Agreement 67-96, which recognizes that violence against women is a public health problem in Nicaragua and should be addressed as such, the health sector undertook a series of actions in this area.

53. The policy to combat the commercial sexual exploitation of children and young persons (2003-2007), adopted in 2002, is a frame of reference for the design and implementation, by the different State and civil-society bodies, of actions to tackle this problem. The policy is consistent with the recommendations produced by the first World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.

54. Other public policies adopted during the period were the national policy for the comprehensive development of youth (2001), the citizen participation policy (2001), the national education plan (2001-2015) and the review of the national policy of comprehensive care for children and adolescents (2001).

Article 4
Temporary special measures to combat discrimination against women

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

55. Nicaraguan legislation includes maternity protection. The Labour Code protects the right of pregnant women to work and to receive maternity benefits. Under article 140, employers are prohibited from allowing pregnant women to continue doing work or tasks that could be harmful to their condition. In such cases, employers must provide pregnant women with work that does not adversely affect this biological process, at a pay level not less than the one the employee normally

received prior to the pregnancy. Following the birth, employers must allow such employees to return to their previous post at the pay level currently in force.

56. Likewise, under article 141, pregnant employees are entitled to take maternity leave for four weeks before and eight weeks after the birth (or 10 weeks in the case of multiple births) and to be paid at least the equivalent of their most recent wage or salary during that time, without prejudice to the medical assistance they are entitled to receive from the social institutions responsible for maternity protection. The period of maternity leave is counted as time worked for the purposes of seniority, annual leave and the thirteenth-month bonus. For the purpose of determining the start date of the paid prenatal leave, the employee must provide the employer with a medical certificate stating the probable due date. The Ministry of Health issues this certificate free of charge.

57. If the birth takes place before the presumed due date indicated by the physician, the unused part of the prenatal leave is added to the period of post-natal leave. In the event of an accidental interruption of the pregnancy, preterm birth or any other abnormal birth, the employee is entitled to paid leave in accordance with the demands of the medical certificate. Pregnant employees are required to take maternity leave and employers are required to grant it.

58. Pregnant employees or employees on prenatal or post-natal leave cannot be dismissed except on legitimate grounds previously found acceptable by the Ministry of Labour.

59. The Breastfeeding Promotion, Protection and Support Act (Law No. 295) was adopted on 10 June 1998 and entered into force on 28 June 1999. This Act helps to ensure that the right to nutrition enshrined in the Convention on the Rights of the Child is respected in Nicaragua. The objective of this Act is to establish the measures needed to protect, promote and support breastfeeding, which significantly improves infants' nutritional status. The Act also regulates the sale of breastmilk substitutes.

60. As regards education, it is important to mention the experience of the Women's Development Programme of the Nicaraguan Institute of Agricultural Technology (INTA), which has a portfolio of grants aimed primarily at women in situations of vulnerability (single mothers, divorcees, etc.), the purpose of which is to provide training and to reduce and eliminate discrimination against women.

Article 5
Modification of social and cultural patterns

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

61. Nicaragua's second national human development report (2002) recognizes that significant progress has been made towards modifying discriminatory social and cultural patterns of conduct of men and women. The report states that women are more likely than men to say that they long for a country without corruption, as this scourge increases poverty and undermines equity and development.

62. The Nicaraguan Institute for Women, along with other national and local State bodies and civil-society organizations, has taken steps to conduct public campaigns on gender equality and equity, particularly with a view to preventing and eradicating violence against women and girls.

63. The Government and civil-society organizations have also distributed publications, posters and pamphlets and have encouraged the production of radio and television programmes and plays that raise awareness of women's rights.

64. As part of the quest for equity, during the reporting period the National Assembly's Standing Committee on Women, Children, Youth and the Family formulated a preliminary draft law on equal opportunity for women. The draft has not yet been adopted.

65. The Ministry of the Family has promoted a number of family education initiatives. Since 2002, the school-for-parents project has been applying a methodology aimed at strengthening family relationships and communication within the family. In coordination with Costa Rica's Family in Focus programme, the Ministry of the Family has also organized conferences and seminars on a variety of topics that help to promote values and improve family relationships and communication within the family. These seminars are offered to Ministry officials, children and adolescents being helped by Ministry programmes, parents and other interested institutions.

Article 6
Suppression of the exploitation of women

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

66. Article 40 of the Political Constitution provides that no one shall be held in servitude; consequently, slavery and trafficking of any kind are prohibited in all their forms. The international legal commitments undertaken by Nicaragua on this subject include the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949); the Convention on the Rights of the Child (1990) and its Optional Protocol on the sale of children, child prostitution and child pornography; International Labour Organization (ILO) Convention No. 182 on the worst forms of child labour; and the United Nations Convention against Transnational Organized Crime.

67. The Penal Code, in force since 1974, penalizes the sexual exploitation of women and the traffic in persons. Regarding prostitution, the law penalizes persons who, for purposes of profit or to satisfy the wishes of a third party, promote, facilitate or encourage prostitution, but not persons who practise it. The offence of promoting or facilitating prostitution is punishable by three to six years' imprisonment.

68. Article 203 of the Penal Code defines the offence of trafficking in persons as the recruitment or hiring of individuals, either with their consent or by means of threats, enticement, deceit or any other similar ploy, for the purpose of prostitution within or outside the Republic or the introduction of individuals into the country for the purpose of prostitution. This offence is punishable by four to ten years' imprisonment. The maximum penalty is applied if the perpetrator is married to or cohabiting with the victim or if the victim is under the age of 14. Even though trafficking in persons is defined as an offence under criminal law, it is penalized only when the victim is recruited for the purpose of prostitution; the law does not cover other criminal situations such as sexual servitude. Likewise, the law penalizes only the "recruitment or hiring" of individuals, not the promotion or facilitation of trafficking in persons.

69. In addition to trafficking in persons and prostitution, related offences, such as corruption of a minor (under the age of 16) with a view to inducing him or her to engage in or witness sexual acts, are also punishable under criminal law. Corruption of a minor is punishable by four to eight years' imprisonment. This provision of criminal law penalizes corruption when it relates to persons under the age of 16; however, it does not include persons between the ages of 16 and 18, who — in accordance with article 1 of the Convention on the Rights of the Child, ratified by Nicaragua in 1990 — are considered children. In this sense, the Nicaraguan Government is aware that it should promote a legislative initiative to increase the age of the passive subject in the offence of corruption to 18, in order to bring the definition of minority into line with the ages established both in the Convention on the Rights of the Child and in ILO Convention No. 182, ratified by Nicaragua, which also establishes that all persons under the age of 18 must be protected against commercial sexual exploitation.

70. Article 202 of the current Penal Code defines the offence of procuring or pimping as the establishment or exploitation of places of prostitution or the inducement of another person, for purposes of profit and by means of physical or moral violence, abuse of authority or position, deceit or any other similar ploy, to enter or remain in such places of prostitution or to engage in any other form of sexual commerce. This offence is punishable by three to six years' imprisonment. The law also provides that persons who, for purposes of profit or to satisfy the wishes of a third party, promote, facilitate or encourage prostitution shall be subject to three to six years' imprisonment. Persons who, though not having the right to claim support from another person, share in that person's earnings from prostitution and persons who, having this right, force another person to hand over all or part of such earnings are also deemed to be guilty of this offence under the law. In the latter case, the offence is punishable by two to four years' imprisonment. The Penal Code combines the offences of procuring and pimping in one article, even though they are separate offences. Moreover, the Code makes no reference to the victim's age, meaning that it does not specifically protect children and adolescents against this type of offence.

71. The legal definitions of offences such as pimping, procuring and trafficking in persons are inadequate to the scope of the problem of commercial sexual exploitation, especially of children and young persons. For this reason the Government, together with civil society, has promoted motions to reform the existing Penal Code to include a new type of criminal offence called "crimes of commercial sexual exploitation" for offences that, in addition to violating sexual

freedom and integrity, are motivated by the desire for financial gain; to expand the category of offences relating to trafficking in persons for sexual purposes; to define offences such as child sex tourism, child pornography and paid sexual relations with adolescents; to include an offence called "sexual corruption" to replace the current "corruption of minors"; and to establish that the consent of the child or adolescent is irrelevant to the determination of whether or not a crime has been committed.

72. As mentioned earlier, the Government of Nicaragua has formulated a National Plan against the Commercial Sexual Exploitation of Children and Young Persons (2003-2008), in the framework of its special protection policies. Likewise, there is a National Plan of Action for Children and Young Persons (2002-2011) and a National Strategic Plan for the Prevention and Eradication of Child Labour and Protection of Child Workers (2001-2005).

Article 7
Equality in political and public life at the national level

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

73. Since 1955, the State of Nicaragua has guaranteed the right of women as citizens, to vote in elections and freely choose government officials.

74. The two majority political parties, the Sandinista National Liberation Front (FSLN) and the Liberal Constitutionalist Party (PLC), have established quotas for women's participation. FSLN established a minimum quota for women of 30 per cent of party positions, party leadership positions and candidates for public office. Women account for 38.8 per cent of the members of the party's National Directorate. PLC, meanwhile, has established a quota of 40 per cent for women and youth; women account for 20 per cent of the members of its National Directorate.

75. Despite this progress, there are still obstacles to putting these formal measures into practice, including the absence of mechanisms for ensuring participation, the failure to prepare women to take part in political life, insufficient party support and the effects of a patriarchal system that has historically blocked the development of women's capacity for political participation.

76. The difficulty of implementing measures to promote women's political participation became apparent during the national elections of 2001:[3,4] both the

[3] The data on candidacies were taken from the article "Así están las mujeres en las planchas de los partidos" ("Women on party slates") in *La Boletina* (downloadable from http://boletina.puntos.org.ni/Anteriores/bole48/elecciones-2001c.html).

[4] The election results for deputies were based on information found on the respective institutions' websites (National Assembly, PARLACEN).

Presidency and the Vice-Presidency of the Republic went to male candidates. Twenty-two representatives to the Central American Parliament (PARLACEN) were elected, of whom women represented just over 18 per cent. Likewise, of the 93 deputies in the National Assembly, 23, or a little under 25 per cent, were women. Nevertheless, this represented progress compared to the 1996 elections, when only 11 women deputies were elected.

77. On the other hand, in the municipal elections in 2000, the proportion of women elected as mayors and deputy mayors fell in comparison with the 1996 elections. Women were elected to only 14 out of the country's 151 mayoralties (none of which were in the wealthier or more populous municipalities), and 33 women were elected as deputy mayors (which represented an increase compared to the 1996 elections).

78. Women members of political parties have made major efforts to improve their organizations' compliance with their commitments to gender equity. The final resolution of the Second Women in Political Parties Forum for Central America and the Dominican Republic[5] included the promotion of electoral code reforms to comply with the commitments made by States at the international level in relation to the principle of equality before the law: reforms of political parties' internal regulations and of procedures for registering candidates, use of non-sexist language and promotion of a minimum participation level of 40 per cent for women and youth in party leadership structures and of 40 per cent for women in candidate rosters. Item 10 of the Final Declaration of the Eleventh Conference of Political Parties of Central America and the Dominican Republic[6] expressed a commitment to support this resolution.

79. In the national sphere, in 2002 the Provisional Board of Directors of the Nicaraguan Forum of Women in Political Parties was formed, with the support of the Committee on Women, Children and the Family of PARLACEN.

80. In the area of women's access to public office, after the national election of 2001 the first Government Cabinet included two women out of a total of 21 ministers, or just under 10 per cent. Out of the 12 posts of deputy minister, six were held by women, while three women were appointed to the 15 autonomous Government agencies. Of the four agencies with assistant directors or vice-presidents, two had women in those posts (the Posts and Telecommunications Institute and the Tourism Institute).

81. In the legislative branch, the first governing Board of the National Assembly for the period 2002-2006 included two women deputies out of a total of seven members. The second governing Board, also in 2002, included a women deputy as Third Vice-President. During the 2002 legislative session, out of 17 committees, four were headed by women.

82. The judicial branch is the area of government in which women are best represented. In 2002 the Supreme Court of Justice included three women out of a total of 11 members. In October 2002 a woman judge was elected President of the Court. This was the first time a woman had held this office in Nicaragua. According to available data, the proportion of women members is 45.5 per cent in the appellate

[5] Held in Panama in August 2002.

[6] Also held in Panama in August 2002.

courts, 51 per cent in the district courts and 68 per cent in the local courts. Overall, women represent over 60 per cent of the total number of judges in the country.

83. The Supreme Electoral Council is made up of eight men and two women, of whom seven (all men) are full members and three (including two women) are alternates.

84. During the reporting period, a woman was appointed as Assistant Attorney General in the Office of the Attorney General of the Republic. Likewise, women were elected to the posts of Rector of the University of the Autonomous Regions of the Caribbean Coast of Nicaragua (URACCAN) and Vice-Rector of the National Autonomous University of Nicaragua.

85. There are many women's organizations in Nicaragua, ranging from grass-roots social organizations to non-governmental organizations that work for the benefit of women. In addition, women members of mixed organizations (in the areas of labour, business, development, health, anti-violence, etc.) are also making efforts to incorporate gender interests into their organizations' agendas.

86. In a study conducted by the United Kingdom's Department for International Development (DFID) in 2002, over 60 women's organizations were identified in the autonomous regions of the Caribbean coast, the northern and Pacific zones and the capital, including: Asociación de Mujeres Nicaragüenses Luisa Amanda Espinoza (AMNLAE), Puntos de Encuentro, Dos Generaciones, Sí Mujer, IXCHEN, Centro Nicaragüense de Derechos Humanos (CENiDH), Acción YA, Nimehuatzín, María Elena Cuadra, Office of the Human Rights Ombudsman, FUNDEMUNI, Xochiquetzal, Colectivo de Mujeres, Cantera, CEDEHCA, Bufete Jurídico Popular, INPRUH, etc.

87. The Red de Mujeres contra la Violencia (Women Against Violence Network) has played a central role in the various coordination initiatives between the State and civil society. The network is a member of the National Council for Economic and Social Planning (CONPES), one of the most important coordination bodies, which advises the President. Another organization that has made continuous efforts and achieved important results in the protection of women's human rights is the Movimiento de Mujeres Trabajadoras y Desempleadas "María Elena Cuadra" (Maria Elena Cuadra Movement of Working and Unemployed Women), which has advocated regulatory changes to improve the situation of women workers in the export assembly (maquila) industry, including the signing of a code of ethics by maquila firms, and to improve the situation of domestic workers.

88. At the local level, numerous women's organizations and non-governmental organizations working for women's advancement have played a central role in defending not only their own specific interests, but also those of the local population in general.

Article 8
Equality in political and public life at the international level

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their governments at the international level and to participate in the work of international organizations.

89. The State of Nicaragua does not have specific mechanisms for ensuring the participation of Nicaraguan women in international organizations. However, under the Organic Law of the Foreign Service, there is no discrimination with respect to entrance into a diplomatic career. The selection process for future diplomats is open to all candidates from anywhere in the country.

90. Nicaragua is represented, by the Executive Director of the Nicaraguan Institute for Women, on the Inter-American Commission of Women (IACW) of the Organization of American States (OAS), as well as at meetings of the Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean, a subsidiary organ of the Economic Commission for Latin America and the Caribbean (ECLAC). During the period covered by this report, Nicaragua was also a member of the Bureau of the United Nations Commission on the Status of Women.

Article 9
Equality under the law with respect to nationality

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

91. In accordance with article 27 of the Political Constitution of the Republic, the law does not discriminate on the grounds of sex regarding the right to retain one's nationality or acquire a different nationality. Furthermore, article 20 of the Constitution stipulates that no national may be deprived of his or her nationality and that Nicaraguan nationality is not lost when a person acquires a different nationality.

92. Article 6 of Law No. 149 (Nationality Act of 1992) provides that Nicaraguans, whether male or female, who are married to aliens shall retain their nationality even if they acquire the nationality of their spouse in accordance with the law of the spouse's country, provided that they do not expressly renounce their Nicaraguan nationality. This provision also applies to their children.

Article 10
Equal rights in the field of education and training

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

93. Education is recognized as a constitutional right and as a fundamental vehicle for the progress and development of the individual and of society. Article 118 of the Constitution ensures the participation of families, communities and individuals in education and guarantees that education is supported by the communications media.

94. With respect to illiteracy, the Constitution stipulates that adults shall be provided with opportunities to educate themselves and to develop skills through education and training programmes. In 2001 the overall illiteracy rate was 20.5 per cent, with the rate for women being slightly below that for men.

95. For the period covered by this report, little sex-disaggregated information is available regarding education. It is therefore difficult to analyse or gauge the progress made by girls, adolescents, young women or women in general. Consequently, the information submitted in connection with this article is mostly of a general nature, which in turn reflects the need for the education system to make progress in incorporating the gender perspective into its policies, programmes and plans. One major reason that current statistical data do not permit an accurate, thorough analysis of the performance of the education system is that there are no data on school dropout rates, let alone sex-disaggregated rates for all levels on an annual basis.

96. The national education system is divided into three subsectors: the general education sector, which is run by the Ministry of Education, Culture and Sport; the technical education and vocational training sector, which is run by the National Institute of Technology (INATEC) and the Nicaraguan Institute of Agricultural Technology (INTA); and the higher education sector, which is run by the universities.

97. The objectives and strategies of the national education plan (2001-2015) are the following: (a) access to free, mandatory, high-quality primary education up to the sixth grade for all children, with priority given to the poorest sectors and to ethnic minorities; (b) a 50-per-cent increase in the number of literate adults by 2015,

with a particular focus on women; (c) an increase in internal and external resources for education, with emphasis on formal and non-formal basic education (from early education to the third year of secondary school), and an expansion of technical education at all levels; and (d) the elimination of all forms of discrimination based on gender or socio-economic status.

98. According to Nicaragua's 2002 human development report,[7] the net enrolment rate at the preschool level has risen over the past five years. However, during the period covered by this report, some 500,000 children did not have access to preschool education.

99. According to data for 2001, primary education coverage is low, given that only about 848,000 pupils enter the education system, about 130,000 subsequently drop out of primary school[8] and only 29 per cent of those who begin primary education are able to complete it.[9]

Table 3
Initial enrolment by educational programme, gender and area, 2000-2002

	2000			*2001*			*2002*		
Programme and area	*Total*	*Male*	*Female*	*Total*	*Male*	*Female*	*Total*	*Male*	*Female*
Special education	3 164	—		3 366	—		3 262	—	—
Preschool	166 715	83 342	83 373	163 832	82 743	81 089	177 534	88 916	88 618
Urban	81 161	40 185	40 976	79 350	39 524	39 826	80 557	40 310	40 247
Rural	85 554	43 157	42 397	84 482	43 219	41 263	96 977	48 606	48 371
Primary	846 213	423 928	422 285	866 516	438 831	427 685	923 391	471 656	509 316
Urban	413 584	208 076	205 508	414 958	208 794	206 164	414 075	210 191	203 884
Rural	424 853	215 852	216 777	451 558	230 037	221 521	509 316	261 465	247 851
Secondary	315 354	147 394	167 960	334 986	156 510	178 476	364 012	160 399	203 613
Urban	276 627	128 992	186 362	292 028	135 682	156 356	295 879	137 871	158 008
Rural	38 727	18 402	20 325	42 948	20 828	22 120	68 133	22 528	45 605
Technical	15 812	7 282	8 530	16 617	7 463	9 154	18 513	8 615	9 898
Higher (1)	73 838	—	66 556	70 925	—	—	—	—	
Other (2)	91 901	—		89 614	—	—	85 090	—	—
Total	**1 505 2**	**661 946**	**843 275**	**1 545 885**	**685 547**	**1 383 654**	**1 571 802**	**729 586**	**842 216**

Source: National Institute of Statistics and Censuses, statistical compendium for 2000-2002.

100. In 2000, 422,285 girls enrolled in primary education. In 2001, the corresponding figure was 427,685, and in 2002 it rose to 509,316. Between 1,000 and 7,000 more boys than girls enrolled in primary education in 2000 and 2001, but in 2002, 37,000 more girls than boys enrolled.

[7] Centro Nicaragüense de Derechos Humanos (Nicaraguan Centre for Human Rights), annual report, 2001, p. 66.
[8] Ibid.
[9] Ibid., p. 19.

101. The total number of girls enrolled in secondary education in rural and urban areas increased by over 60,000 during the reporting period, from 167,960 in 2000 to 178,476 in 2001 to 203,613 in 2002.

102. Access to technical education has become a goal for women. During the reporting period, the total enrolment rate (rural and urban) for women overtook the rate for men, with an average difference of 1,200 enrolments per year.

103. It is worth drawing attention to the experience of the Nicaraguan Institute of Agricultural Technology's Programme for the Advancement of Women, which has a portfolio of grants earmarked primarily for women in situations of vulnerability (single mothers, divorcees, etc.). The Programme's mission is to provide training and to reduce and eradicate discrimination against women.

Table 4
Female students enrolled in technical education, by speciality, 2000-2002

	2000			*2001*			*2002*		
Specialty	*Men*	*Women*	*Total*	*Women*	*Men*	*Total*	*Women*	*Men*	*Total*
Agriculture	1 204	325	1 529	329	1 282	1 611	437	1 616	2 053
Industry	174	2 364	2 538	155	2 385	2 540	200	2 513	2 713
Administration, economics, computing	3 714	8 031	11 745	8 670	3 796	12 466	9 261	4 486	13 747
Total	**5 092**	**10 720**	**15 812**	**9 154**	**7 463**	**16 617**	**9 898**	**8 615**	**18 513**

Source: National Institute of Statistics and Censuses, 2000-2002.

104. The higher education sector is also facing retention problems, in both State and private universities. Some 60 per cent of secondary school graduates enrol in higher education, but only 37 per cent manage to complete this level.[10] Almost half a million young people are unable to enrol in higher education for lack of access. During the reporting period, universities made further progress with the curriculum reform process, which envisages the incorporation of compulsory courses on humanistic subjects, including human and women's rights, into all degree programmes.

105. The authorities of the prestigious Central American University have sought to further institutionalize gender issues by establishing a Department of Human Development and Gender within the Humanities Faculty. The Department's objective is to promote a gender perspective in the spheres of teaching, research and social projection, with a view to generating non-sexist scientific knowledge and alternative solutions to the social problems which engender discrimination between women and men. During the reporting period, training was provided to 45 women and 1 man from various organizations, higher-education institutions and women's networks and movements that incorporate the gender perspective into their work at the national level.

[10] Centro Nicaragüense de Derechos Humanos (Nicaraguan Centre for Human Rights), annual report, 2001, p. 18.

Article 11
Equal rights in the field of employment and work

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

106. The Constitution recognizes work as a right and a social responsibility of all Nicaraguan citizens, male and female alike. Article 82 thereof stipulates that workers have the right to working conditions that guarantee them equal pay for equal work under identical conditions, commensurate with their social responsibilities, without discrimination for political, religious, racial, gender-based

or other reasons, and that guarantee them a level of well-being which is compatible with human dignity.

107. One of the fundamental principles of the Labour Code is that women and men have the right to equal access to work and equal treatment at work. It provides that female workers are entitled to enjoy all the rights enshrined in the Code and other laws, under equal conditions and with equal opportunities, and that they cannot be discriminated against on the basis of their gender. It states that their pay levels must be commensurate with their abilities and position.

108. Article 144 of the Labour Code forbids employers to dismiss women who are pregnant or on pre- or post-natal maternity leave, except on legitimate grounds which have previously been found acceptable by the Ministry of Labour. It also provides that women who are over six months pregnant may not be included on night-shift rosters. Pursuant to article 141 of Law No. 185, the period of maternity leave was changed from six weeks before and six weeks after the birth to four weeks before and eight weeks after, or ten weeks after in the case of multiple births. The Code currently in force expressly provides that such leave must be counted as time worked for the purposes of seniority, annual leave and the thirteenth-month bonus.

109. The Code's provisions on special working conditions cover domestic service, establishing that domestic workers are entitled to at least 12 hours' complete rest per day and that their employers must enrol them in the social security system. For the purpose of calculating social security contributions, food and lodging provided to domestic workers must be taken into consideration at an estimated value of 50 per cent of their wages.

110. According to the 2001 national household survey on standards of living, 57.9 per cent of the country's population is economically active. Only 36.4 per cent of the country's women are economically active, as against 79.2 per cent of men. A recent study conducted by the International Foundation for Global Economic Development[11] reveals that, since 2000, the economically active population (EAP) has tended to increase for demographic reasons, owing to a change in the ratio between the population reaching working age and the population reaching retirement age.

111. The problem this entails is worsening because neither the private sector nor the State has the capacity to absorb the increase. The private sector has not experienced sufficient growth, and in the public sector, the State has been forced to reduce the number of State institutions, thereby reducing public-sector employment, with the result that workers have had to seek employment in the informal sector. Consequently, 70 out of every 100 economically active women work in the informal sector in conditions of underemployment. The country does not have a public policy for creating decent, permanent jobs. Those jobs that are created come from private initiative and are generally in the construction sector (for men) and the maquila industry (for women).

112. Within the growing informal sector, women are over-represented, with 66.5 per cent[12] of women considered as economically active working there, by comparison with 55.6 per cent of economically active men. Of the female

[11] Sonia Agurto and others, *Mujeres: pilares fundamentales de la economia nicaragüense*, Managua, Nicaragua, 2000, p. 13.

[12] Ibid., p. 41.

population living in extreme poverty, 92.1 per cent[13] are working in the informal sector, by comparison with 66.1 per cent of men in the same situation.

113. The EAP can be subdivided into rural and urban areas,[14] and there are drastic differences to the benefit of men. The lack of opportunities to work and earn, which would help to solve the economic crisis, obliges people to migrate to other areas, meaning that women, who have fewer opportunities in any event, find themselves forced to move elsewhere in search of better living conditions for themselves and for their families. In urban areas,[15] 55.4 per cent of the population is economically active, and more men than women have joined the workforce (71.1 per cent of urban men, as against 40.1 per cent of urban women).

114. Various studies identify rural women as being the group most likely to live in extreme poverty. Their contribution to the country's economic development is not recognized; they are burdened with a triple working day, which directly affects their health; and they are often unable to acquire an education.

115. Of the total EAP, 82.6 per cent is employed.[16] In rural areas, 73.9 per cent of economically active women are employed, versus 92.3 per cent of economically active men. In urban areas, however, the figures are similar for men and women: 79.1 per cent for women and 78.2 per cent for men. However, this relative equality between employed men and women in urban areas does not take into account the quality of the work: factors such as visible or invisible underemployment combine with the need to obtain enough income to survive and the impossibility of obtaining the full-time employment required in order to achieve a decent standard of living.

116. The creation of sources of employment under the free zones arrangement has somewhat alleviated the high unemployment triggered by the economic crisis. The working population in the free zones started at 3,000 workers in 1991, and by 1999 had reached 16,000 over the whole country.[17] However, the benefits of these jobs are only relative, since the working situation contrasts with the theoretical standard of full and productive employment, without discrimination, that ensures people a level of prosperity compatible with human dignity.

117. The national household survey on standards of living (2001) indicates that the shares of women and men in the different sectors of the economy are distributed as follows: (a) in the primary sector, which accounts for 34.2 per cent of nationwide employment, men are predominant because the types of work in this sector (fishing, hunting, agriculture) are considered to be primarily the province of the male, while women's participation is symbolic, accounting for just 3.6 per cent, compared with 30.6 per cent for men; (b) in the secondary sector,[18] which represents 16.9 per cent of nationwide employment, men's share (11.7 per cent) is twice that of women (5.1 per cent); and (c) in the tertiary sector,[19] women represent the larger share in both

[13] Ibid., p. 41.

[14] National Institute of Statistics and Censuses, national household survey on standards of living, op. cit., p. 134.

[15] National Institute of Statistics and Censuses, national household survey on standards of living, op. cit., p. 134.

[16] Ibid., p. 134.

[17] Free Zones Corporation, annual report, 1999.

[18] Ibid. p. 143.

[19] National Institute of Statistics and Censuses, national household survey on standards of living, p. 143.

rural and urban areas. But this sector, where the largest proportion of women is found, is also the one that offers the least protection, since for the most part it comprises informal jobs that do not adequately safeguard workers' rights, provide little income, demand more time and energy than other jobs, do not afford social benefits, are uncompetitive and do not offer access to education and technical training, credit or means of production. These and other elements tend to undermine women's economic participation.

118. At the national level, 17.4 per cent of the EAP is unemployed.[20] The unemployment rate is 22.5 per cent for women and only 15 per cent for men. Total unemployment in rural areas stands at 11.9 per cent; the rate for women is 26.1 per cent, according to the definition of the unemployed EAP, far exceeding the figure for men, which is only 7.7 per cent. As for urban unemployment (21.5 per cent), there is only a small margin between the sexes, the figure for women being 20.9 per cent and that for men, 21.8 per cent.

119. The majority of the unemployed are people without any income at all, who will generally be found wandering around looking for work, carrying out domestic work or sitting under a tree during working hours.

120. The economically inactive population (EIP)[21] can be subdivided into various categories, with the largest being students and homemakers. It should be pointed out that the only people within the EIP who receive any type of income or resources — in other words, the only ones who have any kind of financial independence — are retirees, people of independent means and students on grants. Within this category, homemakers account for a total of 33.7 per cent at the national level, with 33.3 per cent of them being women and a minute 0.4 per cent being men. This enormous difference is even greater in rural areas, where out of a total of 45.5 per cent, women represent 45.0 per cent and men, only a minimal 0.5 per cent.

121. In urban areas, out of a total of 25.9 per cent, women represent 25.6 per cent and men, just 0.3 per cent. In consequence, it may be said that this activity, categorized as inactive and unproductive, is almost exclusively the province of women.

122. Women have been displaced towards open unemployment and informal employment, which demands more effort and provides less income. This combines negatively with women's lower levels of education or technical skill, ignorance of their rights, lack of access to credit, land or technical assistance and, most significantly, the fact that there is no awareness of the potential of women, who should participate actively and whose work should be recognized as a contribution to the country's development process.

123. The work classified as domestic labour, both remunerated and unremunerated, is essential to the functioning of all societies, and those who perform it are women.[22] Article 145 of the Labour Code of the Republic of Nicaragua defines workers in domestic service as those who provide household services to a person or family, in their home, on a habitual or continuous basis, where the service provided

[20] National Institute of Statistics and Censuses, national household survey on standards of living, p. 135.

[21] Ibid., p. 135.

[22] Analysis of the social and working conditions of female domestic workers (Movimiento Maria Elena Cuadra).

does not directly result in monetary gain or business for the employer. Employees in domestic service work under difficult conditions and are subject to legal provisions which make discrimination against them lawful: they earn less than the minimum, in exchange for food and lodging which compensate for the difference in pay, and they have less protection than the remainder of workers in general.[23]

124. Although domestic work has been classified as non-productive, in reality it is economically invisible; if its true value were recognized, it would represent a contribution of $500 million a year.[24] There is an imbalance in society, in which the weight of household tasks falls only or mainly on women. Thus, when women enter the job market, they must cope with what is known as the double working day and the lack of recognition of their contribution to the economy and the development of society.[25]

125. According to a study carried out by the Ministry of Development, Industry and Trade, some 184,000 women have entered the labour market as independent workers, and 96 per cent of them engage in some form of self-employment. The number of women entrepreneurs in agribusiness is very limited, owing both to the fact that only 5 per cent of the country's female entrepreneurs are involved in such activities and to the fact that women represent only 5 per cent of Nicaragua's agricultural producers. Despite this, 15 per cent of such women head high-productivity agricultural enterprises.

126. The foregoing means that small-scale production is the area where women find the most options, and for that reason 95 per cent of the women who are in charge of businesses are found in this area. In addition, they represent 54 per cent of the country's microlevel entrepreneurs (175,000 women). Given that the total number of microlevel entrepreneurs is about 300,000, this activity is evidently dominated by women.

127. As a result of the growth of women's participation in the self-employed sector, self-employed women represent 92 per cent of all women entrepreneurs (168,000 women). At the present time, small and medium-sized enterprises (SMEs) and microenterprises constitute one of the most important sources of employment and income in Nicaragua. Various studies agree that they offer the principal escape route from open unemployment. Microenterprises, in particular, represent a survival strategy for large segments of the population living in poverty and unemployment.

128. Official statistics demonstrate that microenterprises have become significant generators of employment and self-employment. Establishments with between one and five workers generate 53 per cent of total employment in Managua. This percentage is higher in the other cities, and reaches 74 per cent in rural areas. In other words, microenterprises play an even more important role in rural areas than in urban ones.

129. Women who run their own businesses (hereafter "women entrepreneurs") are mainly employed in small-scale production, in both rural and urban areas.

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[23] Analysis of the social and working conditions of female domestic workers (Movimiento María Elena Cuadra).

[24] Sonia Agurto and others, op. cit., p. 43.

[25] Ibid.

130. In 2000 the Department of Competition and Market Transparency, through its Science and Technology Office, coordinated and implemented a project to develop indicators on science and technology in populations living in basic housing and on the transfer of technology to those areas. The project directly or indirectly benefited 333 people, of whom 258 (77 per cent) were women.

131. In 1990 the Nicaraguan economy began to open up to outside markets by promoting exports, reducing protectionism, liberalizing trade and reducing the role of the State. The change of Government brought a return to a market economy and the establishment of the free zones system.[26] The zones account for 50.5 per cent of all active industrial facilities in this sector and 61.7 per cent (22,856) of jobs directly generated by the system.

132. The Government has established a special legal and institutional framework for the emergence and development of the maquiladora industry, which enjoys special tax treatment. The laws and decrees establishing this preferential treatment include the Foreign Investment Act and its regulations (Law No. 127 of 1992) and Decree No. 4691 and Decree No. 3192 on industrial export processing zones. In Nicaragua, however, workers in maquila firms are paid the equivalent of the minimum monthly wage of 1,128.57 córdobas, or a little under $1 per day. According to data from the International Labour Organization (ILO), women account for between 75 per cent and 90 per cent of workers in this sector.

Article 12
Equal access to health care

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health-care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

133. Article 59 of the Political Constitution of the Republic of Nicaragua states that all Nicaraguans shall enjoy an equal right to health. The State is required to direct and organize health programmes, services and actions and to encourage people to participate in protecting health.

134. In accordance with the General Health Act of 14 March 2002, which is designed to safeguard people's right to enjoy, maintain and recover their health, the Ministry of Health is responsible for coordinating the formulation and implementation of the national health plan, which must be adopted by all public and private institutions and agencies. The Act recognizes the consumer's right to equal treatment, information and non-discrimination on grounds of sex, and its provisions also address sexual and reproductive health.

135. During the period 1999-2002, one of the key features of the health-sector modernization process was the democratization of management and community-based services through the establishment of *casas bases* (demonstration homes). The

[26] National Commission on Free Zones. Report, 1997-2001.

components of the national health plan, which are designed to facilitate women's access to health care, are: (a) a model of comprehensive health care for women and children; (b) comprehensive health care for children and young persons; (c) a sex-education and reproductive-health programme; and (d) Law No. 238 on the promotion, protection and defence of human rights in the context of AIDS.

136. The goal of the Enhanced Economic Growth and Poverty Reduction Strategy is to develop strategies within the municipal services network for achieving the following targets: (a) to reduce the maternal mortality ratio from 148 to 129 per 100,000 live births; (b) to increase the hospital-birth rate from 47 per cent to 62 per cent; (c) to increase prenatal health-care coverage from 71.6 per cent to 86.5 per cent; (d) to increase early pregnancy detection from 31.9 per cent to 43.8 per cent; (e) to increase the proportion of women of childbearing age who have access to family planning from 21 per cent to 23 per cent; (f) to reduce infant mortality from 40 to 32 per 1,000 live births; and (g) to increase the immunization coverage of children under one year of age living in remote communities.

Table 5
Health issues presenting the highest risk

Priorities for strengthening implementation of the plan, 1996-2001

Health priority	*Data relating to women*
Maternal mortality	Adolescent girls and women over the age of 35. Main risks: post-partum haemorrhage, pregnancy-induced hypertension, sepsis, abortion and obstructed birth.
Violence	Public insecurity has increased: rise in gang activity, robbery, vulnerability to danger, rape, drug possession and use, and homicides and suicides. From 1997 to 2000 there were a total of 2,473 suicide attempts using pesticides, with a death rate of 25.5 per cent; women accounted for 44 per cent of these cases. There are no disaggregated data on domestic violence or gender-disaggregated data on violence in general.
Sexually transmitted diseases (STDs)	The incidence of these diseases is rising, with 57 per cent more cases being reported in 2000 than in 1992. The most affected age group is women between the ages of 15 and 34. Women tend to become infected and develop AIDS at an earlier age owing to biological, economic, social and emotional risk factors.
Nutritional problems	Nutritional anaemia prevalence rate of 29 per cent among children under five and 25 per cent among women of childbearing age, according to data from the 2000 micronutrient survey.

Health priority	*Data relating to women*
Cervical cancer/breast cancer	Affects women aged 30 or over. The leading cause of cancer-related deaths is cervical or uterine cancer (20 per cent). Hospitals report a high mortality rate for breast cancer: 23 per cent of women admitted to hospital with breast cancer die, with the 35-45 and 50 and over age groups being the ones at highest risk.
Disaster mitigation	Since the 1990s, Nicaragua has been struck by more than 35 events classified as disasters, including hydro-meteorological phenomena, volcanic eruptions, seismic events, landslides and tsunamis. There are no sex-disaggregated data indicating the impact of these events on women.

Source: Ministry of Health.

137. In 2001 the fertility rate in the country's poorest regions was 5.9 children per woman.[27] Between 1998 and 2001 the rate fell from 5.0 to 4.4 in rural areas and from 2.9 to 2.6 in urban areas. According to the 2001 demographic and health survey, during the reporting period 98.5 per cent of Nicaraguan women were familiar with some contraceptive method, compared with 97.2 per cent in 1998. This led to a rise in the use of contraception in both urban and rural areas during the same period. It is important to note that the most popular contraceptive method was the hormonal injectable, which accounted for 18.1 per cent of contraceptive use in rural areas in 2001, compared with 4.9 per cent in 1998. Use of the intrauterine device (IUD) fell in all parts of the country.

Table 6
Contraceptive use, by area, 1998-2001

Area	*1998*	*2001*
Urban	66%	73%
Rural	51.4	62.3

Source: Demographic and health surveys, 1998 and 2001.

Table 7
Use of modern methods, by area, 1998-2001

	1998		*2001*	
Method	*Urban*	*Rural*	*Urban*	*Rural*
Hormonal injectable	5.4	4.9	11.4	18.1
Contraceptive pill	13.4	14.6	15.6	13.3
IUD	11.4	5.6	8.8	3.1
Condom	3.2	1.7	4.3	2

Source: Demographic and health surveys, 1998 and 2001.

[27] United Nations Population Fund (UNFPA) technical support team, August 2002.

138. The level of access to reproductive health — which is an indicator of progress towards achieving the targets of the Enhanced Economic Growth and Poverty Reduction Strategy — has risen significantly, according to data on unmet demand among women wishing to plan their families. While unmet demand for the nation as a whole stands at 14.6 per cent, stronger-than-expected improvements were recorded in the 15-19 and 20-24 age groups.

Unmet demand for family planning services among 15- to 24-year-olds, 1998-2001

Age	*1998*	*2001*	*Target*
15-19	27.1	19.8	26.1
20-24	19.7	17	18.9

Source: Demographic and health surveys, 1998 and 2001.

139. In 2001 contraceptive prevalence was 69 per cent, reflecting a significant increase compared with 1998 (47 per cent). The local comprehensive health-care systems with the highest rates were Estelí (77 per cent), León (74.8 per cent) and Carazo (74.2 per cent), while those with the lowest rates were the North Atlantic Autonomous Region (45.9 per cent) and Jinotega (55 per cent).

140. With respect to early pregnancy detection and prenatal care, the Ministry of Health presented the following data for 2000-2002:

Table 8
Early pregnancy detection, 2000-2002

Year	*Target*	*Percentage attained*	*Percentage difference*
2000	35.90	33.60	2.30
2001	37.7	32.20	3.70
2002	38.90	30.40	8.50

Source: Ministry of Health, Enhanced Economic Growth and Poverty Reduction Strategy.

Table 9
Prenatal care coverage, 2000-2002

Year	*Target*	*Percentage attained*	*Percentage difference*
2000	78.6	75	1.6
2001	80.6	70	10.6
2002	81.4	68	13.4

Source: Ministry of Health, Enhanced Economic Growth and Poverty Reduction Strategy.

141. The total number of prenatal examinations provided at Ministry of Health facilities from 2000 to 2002 was as follows: 144,890 (75 per cent) in 2000; 135,303 (70 per cent) in 2001; and 137,890 (68 per cent) in 2002. The decline in coverage may be due to the inaccessibility of health-care facilities, migration, a gradual

increase in the use of family planning and the existence of alternative and social security hospitals which offer the same services but whose data are not included in Ministry of Health records.

142. With respect to hospital births, during the reporting period the Ministry of Health set targets for the provision of health care to pregnant women under the Enhanced Economic Growth and Poverty Reduction Strategy. The following table shows the progress made towards these targets.

Table 10
Progress towards hospital birth targets, 2000-2002

Year	*Target*	*Expected deliveries*	*Attended deliveries*	*Coverage achieved*
2000	52.40%	173 569	87 984	50.6%
2001	54.60%	173 569	87 906	50.6%
2002	55.90%	182 985	88 103	48%

Source: Ministry of Health, Enhanced Economic Growth and Poverty Reduction Strategy.

143. In an effort to collect more accurate data on maternal mortality, in 1996 the Ministry of Health began implementing a maternal mortality surveillance system throughout the country. The Ministry continued to implement the system between 1999 and 2002, with a view to developing effective measures to fight this scourge. Positive results included improved accuracy in data collection and in the registration of home and hospital deaths. Despite the substantial progress made, the Ministry recognizes that maternal deaths are under-recorded. In some cases, this is because the deaths occur at home and are not reported. Furthermore, the majority of maternal deaths in rural areas are related to the geographical inaccessibility of health-care services.

144. Pregnancy-related mortality was a major health problem during the period under review. Official data on female mortality due to pregnancy, childbirth or post-partum complications show an average of 144 deaths per year between 1992 and 2002. Seventy-two per cent of the total number of maternal deaths recorded between 2000 and 2002 occurred in rural areas. Although violence against women is a cause of death in both rural and urban areas, rural women are affected by additional factors such as poverty, malnutrition, lack of education and geographical inaccessibility of health services.

145. In an effort to improve the health situation of Nicaraguan women, the Ministry of Health included a safe motherhood initiative in its maternal mortality reduction plan. The strategies to be used to address this important public health problem include: (a) increasing the availability of contraceptives and family planning information with a view to reducing the number of children per woman, spacing pregnancies and reducing the number of pregnancies in young girls and older women; (b) improving the quality of prenatal care; (c) ensuring that skilled personnel are available to provide obstetric care in health units, hospitals, health centres and health stations; (d) providing emergency obstetric care; and (e) training traditional birth attendants.

146. Most maternal deaths are directly due to obstetric complications. Of the 146 maternal deaths recorded in 2002, 116 were due to obstetric causes and 30, to non-obstetric causes. The following table shows the distribution of direct and indirect obstetric deaths.

Table 11
Maternal mortality, by obstetric cause, 2002

Cause	*Number*	*Percentage*
Direct obstetric	86	74%
Indirect obstetric	30	26%

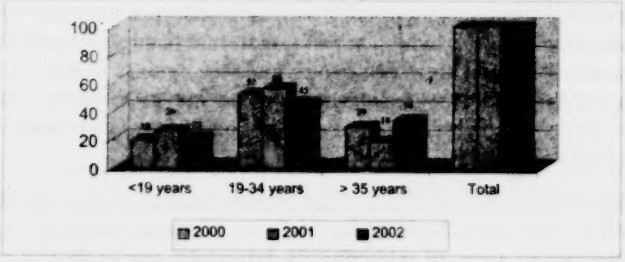
Source: Ministry of Health, maternal mortality surveillance system.

147. The following table shows the primary causes of direct obstetric death in 2002:

Table 12
Maternal mortality, by primary cause of death, 2002

Year	*Cause*	*Number*	*Percentage*
2002	Placental retention	38	44%
2002	Eclampsia	21	24.40%
2002	Abortion	9	10.40%
2002	Uterine hypotonia	7	8%
2002	Placental abruption	3	3.40%

Percentage of maternal deaths, by age group
2000-2002



Source: Maternal mortality surveillance system.

148. Maternal mortality figures from the past few years show that the distribution by age has not varied, with the majority of deaths occurring between the ages of 20 and 34. The data show a smaller percentage of deaths occurring in young girls and older women, during the so-called "high-risk" years. Nevertheless, in calculating the risks for women at an early or late stage of their reproductive life, it was found that both girls under 15 and women over 35 had 3.4 times the risk of dying from childbirth-related complications as women between the ages of 15 and 34.

149. It is important to mention that, although many deaths went unreported, the surveillance system enabled the Ministry of Health to collect data on violence-related maternal mortality during the period under review. The number of maternal deaths was 24 in 2001 and 30 in 2002, with the following distribution.

Table 13
Non-obstetric maternal mortality, 2001-2002

Year	*Cause*	*Number*	*Percentage*
2001	Non-obstetric violence-related	11	48%
2002	Non-obstetric violence-related	16	53%

150. It is difficult for the Nicaraguan Government to obtain accurate data on the incidence of abortion and of mortality due to abortion. The data vary considerably, depending on the source. The official annual figure for hospital admissions due to abortion complications is 6,694 (Ministry of Health, 2002); however, the Ministry recognizes that abortion is underreported.

151. In 2000, the Nicaraguan National Assembly considered reforms of the Penal Code provisions regarding the practice of abortion. The proposed reforms continue to define abortion as a punishable offence, but maintain the important exception for "therapeutic" abortion. Specifically, they provide that therapeutic abortion is not punishable if the procedure has been approved by a committee of three specialists from the Ministry of Health and the pregnant woman has given consent.

152. In 1989 the Ministry of Health issued standards of post-abortion care. Three documents have been issued and implemented on the treatment of women who arrive at health units with abortion complications or who require post-abortion care. They are the general guidelines for the organization and standardization of emergency obstetric care (2000), the protocol for obstetric and paediatric care (2001) and the abortion care protocol (2002).

153. Based on a study using official Ministry of Health data, the number of cases in which post-abortion care was provided in the three regions of the country between 1997 and 2002, including the period under review (1999-2002), was as follows.

Table 14
Post-abortion care provided at Ministry of Health facilities

North-central region, 1999-2002

	1999	*2000*	*2001*	*2002*	*Total*	*Annual average*
Chontales	327	271	268	261	1 127	282
Boaco	161	149	179	158	647	162
Matagalpa	910	594	582	494	2 580	645
Jinotega	260	259	230	408	1 157	290
Esteli	312	274	255	242	1 083	271
Madriz	121	121	102	119	463	116
Nueva Segovia	222	221	204	230	877	219

154. The total fertility rate in the north-central region is 3.7, with Jinotega, at 5.3, having the highest in the region (and the country). The central region has the highest rates of poverty (41 per cent) and extreme poverty (57.1 per cent). That region's rate of extreme poverty is the worst in Nicaragua, at 17 times the rate in Managua and three times the rate in the other Pacific departments.

155. Family planning indicators for the region show that 68.3 per cent of married or partnered women use modern contraceptives. Unmet demand for contraceptives stands at 21.4 per cent. The departments of this region have historically had the highest maternal mortality.

156. Ministry of Health units in this region are responsible for post-abortion care, but some of them lack the equipment and/or trained staff to provide such services effectively.

Table 15
Post-abortion care provided at Ministry of Health facilities

Pacific region, 1999-2002

	1999	*2000*	*2001*	*2002*	*Total*	*Annual average*
Chinandega	589	605	549	492	2 235	559
León	557	521	521	478	2 077	519
Managua	1 428	1 555	1 598	1 577	6 158	1 539
Masaya	310	283	311	290	1 194	298
Carazo	356	295	276	270	1 197	299
Granada	276	272	247	235	1 030	257
Rivas	186	199	181	201	767	192
Total	**3 702**	**3 730**	**3 683**	**3 543**	**14 658**	**3 663**

157. Of the three geographical regions, this one has the lowest total fertility rate. Its more concentrated population and more easily accessible health-care system have given this region better health indicators than the rest of the country. For example, it has the highest satisfied demand for family planning methods (72 per cent).

158. All of the region's hospitals provide access to post-abortion care, but in this region, as in the region described above, there are some shortcomings in terms of equipment and human resources.

Table 16
Post-abortion care provided at Ministry of Health facilities

Special zones, 1999-2002

	1999	*2000*	*2001*	*2002*	*Total*	*Annual average*
South Atlantic Autonomous Region	88	70	115	83	356	89
North Atlantic Autonomous Region	204	201	220	203	828	207
Río San Juan	77	61	56	47	241	60
Total	**369**	**332**	**391**	**333**	**1 425**	**356**

159. As a result of the area's large size, sparse population and geographical features, 54.9 per cent of its inhabitants report that they have difficulty gaining access to health-care services. Of that number, 53 per cent indicate economic or transport reasons, as access is primarily by river and transport costs are high.

160. With regard to reproductive health, the region has the country's highest average total fertility rate (4.5), and over half (54.1 per cent) of the female population of childbearing age uses no contraception.

161. The above factors contribute to the unfavourable health situation of women in the special zones. For the past five years, these departments have been among the ones with the highest maternal mortality.

162. Services are available in every hospital in each region, and in a health centre with beds, but their effectiveness is undermined by a number of problems. One is the language barrier, as most medical staff do not come from the region, where the various languages of the indigenous ethnic groups are spoken.

163. Mortality from cervical cancer in Nicaragua[28] was 11.85 per 100,000 women in 1998 and 11.73 per 100,000 women in 1999, one of the highest rates in Latin America. Most of these deaths have been in the over-50 age group in the past 10 years. This is demonstrated by figures of 56 per cent for the five years from 1993 to 1997 and 60 per cent for the five years from 1998 to 2002. The second highest incidence was among 35- to 49-year-olds, with figures of 36 per cent for the five years from 1993 to 1997 and 31 per cent for the five years from 1998 to 2002. With respect to the early detection of cervical cancer through vaginal cytology, during the reporting period, the following numbers of Pap smears were performed:

- 2000: 134,456
- 2001: 129,268
- 2002: 119,458

164. These figures relate only to the first occasion in a year on which a Pap smear was performed and do not take account of smears taken subsequently (follow-up). The decline in Pap smear coverage is due to a number of reasons, including, mainly, lack of supplies (slides, fixative) owing to poor logistics in this area, and lack of resources to analyse Pap smears (pathologists and cytotechnicians) in some local health systems, which leads to delays in notifying patients of results, thereby indirectly reducing demand for the service. Furthermore, there are alternative centres which offer the service but do not report results to the Ministry of Health.

165. Breast cancer is the second most common cause of death among women in Nicaragua, with a 23-per-cent mortality rate among cases admitted to hospitals between 1992 and 1999.[29] Data from the Department of Comprehensive Health Care for Women, Children and Young Persons show that the mortality rate in 2002 was 5.68 per 100,000 women, with the 60-70 age group registering the highest rate (54.4

[28] Pan American Health Organization (PAHO) Calculation for Age-Standardized Mortality Rate (ASMR) for Selected Countries in Latin America and the Caribbean (1996-1999, per 100,000 pop., by gender).

[29] Department of Comprehensive Care for Women, Children and Young Persons, cervical/uterine and breast cancer data for 1992-2000.

per cent), followed by the 40-50 age group (33.3 per cent) and the 15-34 age group (12.2 per cent).

In connection with this issue, the following numbers have been recorded (admissions and discharges) for malignant breast tumours:

- 2000: 386 cases
- 2001: 379 cases
- 2002: 374 cases

166. The HIV/AIDS epidemic in Nicaragua is considered to be incipient because of the low incidence, which has not yet exceeded 5 per cent. Official statistics for 2001 showed rates per 100,000 inhabitants of 3.7 for HIV and 1.5 for AIDS. Departments where major ports are located and those along the country's frontiers reported the highest notification rates among specific groups exhibiting high-risk behaviour. In some parts of the country, however, relatively high rates have been reported among the general population, including pregnant women and housewives, although the numbers do not exceed 1 per cent of those groups. According to data from demographic and health surveys, the highest rate was in the department of Chinandega (34 per 100,000). The ratio of men to women as of 2002 was 3 to 1, and the highest rates were among men between the ages of 20 and 34.

167. September 2002 figures for STDs showed a slight increase in relation to previous years. The local comprehensive health-care systems with the highest rates of STDs are usually also the ones most affected by the HIV/AIDS epidemic. The rates are highest among 19 to 39-year-olds, and the gender ratio is 1 to 1.

168. The State, together with civil society and persons living with HIV, has used a number of instruments to deal with the epidemic:

- Political support;
- Health policies to guide the treatment and prevention of STDs, taking a comprehensive approach that includes the prevention of HIV/AIDS;
- Formulation of the legal framework contained in Law No. 238 and its enabling regulations;
- Establishment of the Nicaraguan Commission to combat HIV/AIDS;
- A national strategic plan to combat HIV/AIDS and other STDs;
- Preparation of proposals for cross-sectoral projects such as that of the Inter-American Development Bank (IDB) and the World Bank.

169. The progress achieved includes the following:

- Positive responses from national leaders;
- Support from Ministers of State, and particularly from senior officials of the Ministry of Health;
- Positive responses from some religious authorities;
- Technical support from international bodies and agencies;
- The dedicated work of civil-society organizations;

- Training of associations of persons living with HIV/AIDS and their inclusion in decision-making;
- Plans designed for the country's teacher-training colleges, to guide teachers in their approach to the subject of HIV/AIDS and other STDs and encourage their involvement in education plans relating to modules on sexual health;
- Promulgation of Law No. 238.

170. According to the Nicaraguan Survey of Persons with Disabilities, conducted by the National Institute of Statistics and Censuses, the Ministry of Health and the Central American University, the incidence of disabilities in the country is 10.2 per cent of the population over 6 years of age, 10.5 per cent in urban areas and 10 per cent in rural areas. The proportion of persons with disabilities increases with age, particularly among persons over 45. Disabilities are more prevalent among women (11.3 per cent) than men (9.1 per cent). The causes of disability include chronic illness and old age (67 per cent), problems at birth (9 per cent), falls and other trauma (5.1 per cent) and violence at the hands of another person (1.8 per cent).

171. Inter-agency and intersectoral commissions have been established to improve the health of women in Nicaragua, since the Government and civil society must combine their efforts, their will and their resources in order to design, promote and execute actions that produce results in terms of women's health. During the period covered by this report, the following new entities were established, in addition to the existing commissions, to strengthen efforts to give women access to health services, improve their health education, increase their involvement as health agents and thereby enhance their quality of life:

(1) National Commission to Combat Maternal and Perinatal Mortality (Executive Decree No. 116-2000);

(2) National Commission for Breastfeeding (Law No. 295, "Act on Breastfeeding Promotion, Protection and Support and on the Regulation of the Sale of Breastmilk Substitutes");

(3) Nicaraguan Commission to Combat HIV/AIDS (Law No. 238 on the Promotion, Protection and Defence of Human Rights in the context of HIV/AIDS);

(4) National Council for Prevention, Rehabilitation and Equal Opportunities for Persons with Disabilities (Law No. 202);

(5) National Commission on Micronutrients. From 1996 to 2000, this Commission implemented three major intervention strategies targeting children and pregnant women: vitamin A and iron supplementation, fortification of food products and dietary diversification;

(6) National Council for Young Persons, the role of which is to establish working coordination to benefit adolescent girls in conditions of equality with males;

(7) National Council for the Comprehensive Care and Protection of Children and Young Persons (Law No. 351, World Summit for Children);

(8) National Anti-Drug Council (Act on Narcotic Drugs, Psychotropic Substances and Other Controlled Substances and Laundering of Money and Assets Deriving from Illicit Activities).

172. The Nicaraguan Social Security Institute, which provides maternity, medical, disability, old-age and survivors' benefits, has helped to improve the living conditions of the economically active population (EAP) employed in the formal sector of the economy.

173. According to 2001 data from the National Institute of Statistics and Censuses, the social security coverage of the employed EAP is about 16.7 per cent. This is equivalent to a national social security coverage level of less than 10 per cent.

174. The gender distribution of social security coverage among the employed EAP is 90 per cent men and 8 per cent women. Since women work mostly in the informal sector, as self-employed workers, in domestic employment or in urban and rural microenterprises, they are largely excluded from such conventional social security systems.

175. In recent years, the Ministry of Health has added a new factor, violence, to its classification of health problems and its models for dealing with them. Violence is internationally recognized as a determinant of health status, and its forms include domestic and sexual violence, which has an enormous impact on health; the majority of victims are women and children.

Article 13
Economic and social security

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

176. There is no law or rule denying women access to credit, but discrimination exists in practice. The gender gap in access to credit remains a reality in Nicaragua, even taking into account the modest proportion of the overall population which has access to that resource.

177. The information provided in relation to this article is based on official data obtained through various surveys conducted by the National Institute of Statistics and Censuses and private institutions. The main reason why more attention cannot be given to this particular type of gender discrimination is that there is not enough official information on the subject for the period covered by the report. The third national agricultural census, which was conducted during the period in question after a gap of almost 40 years, is currently the only statistical instrument that provides such information disaggregated by sex.[30] Household surveys, on the other hand, take the household as their unit of analysis for this subject, and the statistics published are not disaggregated according to the sex of the person heading the household. Nonetheless, a number of civil-society organizations have been carrying out periodic studies, with adequate coverage, which offer usable data.

[30] The Nicaraguan Institute for Women helped to ensure that gender was taken into account in the corresponding census form.

178. The following table provides key indicators for understanding the situation and is based on research conducted by the International Foundation for Global Economic Development in recent years.

Table 17
Access to credit by the employed population, 1995-2001

Access to credit	*Men*	*Women*
1995		
Average amount (córdobas)	3 982.5	2 510.5
Composition of beneficiaries (%)	41.1	58.9
Distribution of credit resources (%)	51.5	48.5
Source of credit	100.0	100.0
Private banks	31.5	23.7
State banks	51.6	17.0
NGOs, projects, microfinance institutions	10.6	33.0
Moneylenders	6.3	26.3
2001		
Average amount (córdobas)	18 936.5	5 712.1
Composition of beneficiaries (%)	53.6	46.4
Distribution of credit resources (%)	79.3	20.7
Source of credit	100.0	100.0
Private banks	41.3	31.4
State banks	8.3	0.8
NGOs, projects, microfinance institutions	33.9	66.2
Moneylenders	16.5	1.6

179. It should be emphasized that in Nicaragua credit opportunities are very limited in general. According to the national agricultural census conducted in 2000, only 15 per cent of all Nicaragua's small and medium-sized agricultural enterprises have had access to financing; of these, only 2 per cent receive financing from the formal banking system. In this context, the traditional gender gaps in access to credit are apparent. Access to formal credit and credit for investment, regardless of the source, continues to be insufficient for women.

180. Microfinance institutions have become the main source of credit for women. Some have even designed policies and new services to attract women as customers. However, the situation is becoming increasingly difficult owing to the very nature of the financial reform that has been under way since the early 1990s. The credit offered by such institutions is more expensive than that offered by formal banks; their sources of financing require "financial health" rather than effective management for development; and their operations reveal other traditional gender gaps (in terms of amounts, use of credit, etc.). As long as the macroeconomic framework remains adverse, initiatives by unconventional banks will clearly not be able to offer a genuine alternative for women in need of credit.

181. Special programmes and projects, financed with cooperation agency funds, are among the better options available to women; a number of public institutions, including the Nicaraguan Institute for Women, have also developed programmes and projects.[31] Others have been developed by civil-society organizations, even though they do not have the official status of microfinance institutions, but this is becoming increasingly difficult given the current regulatory framework. Moreover, as these options are even more limited in terms of coverage than microfinance institutions, they do not offer a genuine solution to the problem.

182. A comparison of the sex-disaggregated data on access to credit, obtained by the International Federation for Global Economic Development in 1995 and 2001 respectively, reveals worrying changes in relation to gender equity, despite the initiatives carried out by unconventional banks: (a) the gap between the average amounts of credit received by men and women widened between 1995 and 2001, since the average amount granted to women was 51 per cent less than the average amount granted to men in 1995, whereas the gap had widened to 70 per cent by 2001; (b) in 1995, 59 per cent of all borrowers were women, and 41 per cent were men, but by 2001 these relative shares had shifted in favour of men, with women accounting for 46.4 per cent and men, 53.3 per cent; and (c) in 1995, women received 48.4 per cent of the total credit granted by the various sources of financing, but by 2001 this percentage had fallen to 20.7 per cent.

183. According to Agurto and Guido, in 1998 and 2002 women accounted for 42 per cent and 53.9 per cent, respectively, of the total number of borrowers. However, because the average size of the loans received by women was much lower than the average size of those received by men, women's share of the total amount of credit was only 15.4 per cent and 28.4 per cent, respectively. The average size of the loans received by women — C$ 4,204 and C$ 4,780 in 1998 and 2002, respectively — represented 25.1 per cent and 34 per cent of the average amounts received by men in those two years. However, this narrowing of the gap between men and women was due more to a reduction in the amount of credit received by men than to an increase in the amount received by women.

Article 14
Rural women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

[31] The Institute, through the community development bank project, has benefited a total of 1,000 low-income women in marginalized urban areas, investing a total sum of C$ 700,000 across 12 departments in the country, including the municipalities of Managua, Ocotal, Mozonte, Diriamba, Santo Tomás, Chontales, Acoyapa, León and Masaya. This project uses a system of revolving credit accompanied by technical assistance in the form of training.

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health-care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

184. According to the results of the 2001 national household survey on standards of living,[32] the number of Nicaraguans living in rural areas fell by almost four percentage points between 1998 and 2001. In 2001, 41.7 per cent of Nicaraguans lived in rural areas. Women accounted for a slightly higher percentage of the rural population than of the urban population. The sex ratio[33] was 106 in rural areas, compared to 91 in urban areas. Between 1993 and 2001, this ratio rose steadily in rural areas and fell in urban areas. According to specialists, this indicates that most rural-to-rural migrants are women.

185. All the surveys and studies conducted in Nicaragua, whether by the Government or by private institutions, indicate that poverty is highly concentrated in rural areas, which are home to 61.7 per cent of the country's non-indigent poor population and 76 per cent of its indigent population. Data relating to the poverty structure of households according to the sex of the head of household reveal significant differences between different major regions and between households headed by women and households headed by men.

[32] General report, 2001 national household survey on standards of living. National Institute of Statistics and Censuses/Programme for the Improvement of Surveys and the Measurement of Living Conditions in Latin America and the Caribbean (MECOVI).

[33] Number of males per 100 females

Table 18
Poverty structure of households in rural areas, by sex of head of household

Female heads of household						
– Pacific region	21.2%	17.5%	33.1%	28.3%	45.7%	54.2%
– Central region	30.0%	29.4%	38.1%	39.3%	32.0%	31.3%
– Atlantic region	48.0%	17.6%	32.6%	56.7%	19.4%	25.7%
Male heads of household						
– Pacific region	16.4%	11.0%	41.2%	37.0%	42.4%	52.1%
– Central region	22.8%	31.0%	41.8%	35.6%	35.5%	33.4%
– Atlantic region	32.2%	23.0%	38.4%	45.5%	29.4%	31.5%

Source: Based on data from the system of gender-focused indicators (SIEG)/2001 national household survey on standards of living.

186. Generally speaking, between 1998 and 2001 the percentage of households headed by women declined among the extremely poor population (except in rural areas of the central region, where it remained stable), but increased among the non-indigent poor and non-poor populations. The increase was more pronounced among the non-indigent poor than among the non-poor (except in rural areas of the Pacific region, where it declined among the non-indigent poor but increased among the non-poor).

187. The percentages of the population living in households in the above-mentioned categories are as follows:

Table 19
Structure of rural poverty, by gender and region, 1998-2001

	Extremely poor		*Poor*		*Not poor*	
Gender/region	*1998*	*2001*	*1998*	*2001*	*1998*	*2001*
Women						
– Pacific region	23.2%	15.7%	43.7%	39.5%	33.2%	44.7%
– Central region	32.2%	38.3%	42.5%	37.4%	25.3%	24.4%
– Atlantic region	42.8%	27.6%	37.0%	50.0%	20.2%	22.5%
Men						
– Pacific region	25.1%	16.8%	42.4%	41.5%	32.6%	41.7%
– Central region	33.3%	38.6%	40.1%	35.9%	26.7%	25.5%
– Atlantic region	40.0%	26.2%	38.8%	49.7%	21.2%	24.1%

Source: System of gender-focused indicators (SIEG)/2001 national household survey on standards of living.

188. According to data from the 2001 survey on standards of living, between 1995 and 2001 the percentage of the employed rural EAP accounted for by women increased from 18.1 per cent to 31.6 per cent. The occupational structure of the group of economically active rural women has changed considerably. According to a

gender profile of the Nicaraguan economy, in 2001, nearly half of such women were unskilled workers. The second- and third-largest groups consisted of service workers and saleswomen respectively. The number of women farmers and workers in the agricultural and fishing sectors diminished significantly compared to earlier years.

189. Data from a study[34] covering a period that includes 2003 corroborate that change. They show that between 1995 and 2003, women's participation in agriculture decreased (from 44.8 per cent to 24.1 per cent) and their participation increased mainly in the commercial sector (from 19.5 per cent to 24 per cent) and in the handicraft and food industries (from 12.8 per cent to 32.3 per cent), but dropped (from 22.9 per cent to 19.6 per cent) in the services sector, whose activities slumped in that period. On the other hand, men's participation in agriculture decreased from 75.9 per cent to 60 per cent, while the biggest increase in their share (from 9.6 per cent to 20.1 per cent) was observed in the services sector. In addition, there was a change in the structure of income sources. The report indicates that, among the rural households interviewed, 52 per cent of their total income came from agriculture and 48 per cent, from non-agricultural activities. Among households headed by women, non-agricultural income accounts for 77 per cent of the total. In all, 34 per cent of the women and 13.6 per cent of the men surveyed identified non-agricultural activities as their main type of employment.

190. With respect to access to land ownership, women owned slightly over 18 per cent of farming units in 2000 (according to data from the 2000 national agricultural census) and 22 per cent in 2003 (according to Agurto and Guido), compared to 13 per cent in 1995 (when Agurto and Guido began their periodic surveys). This relative progress calls for two qualifications. First, women still tend to own small farming units (up to 5 *manzanas* and 50 *manzanas* in 45 and 87 per cent of cases, respectively, according to the national agricultural census). Second, for reasons that are mainly cultural, in practice women do not always fully control their units. According to Agurto and Guido, fewer than 50 per cent of women landowners are the sole decision-makers with regard to the management of their units. Under the process of awarding land titles, up to 2002 women received over 30 per cent of the titles delivered, although that rate is lower than the average for the period 1997-1999, when it exceeded 40 per cent.

191. To a certain extent, the State has been successful in promoting technical assistance and training. Generally speaking, women's share of the population served by the relevant public institutions has increased. In 2002, women accounted for almost 30 per cent of beneficiaries of INTA technical assistance services (a 14-percentage-point increase over the 1995 level), and in the period 1999-2002 they accounted for more than 30 per cent of Rural Development Institute trainees, although women's share among the Institute's technical assistance beneficiaries fell by half in the same period, amounting to slightly over 13 per cent.

192. Gender disparities in respect of access to technical assistance are significant. In the preceding year, 4.1 per cent of households headed by men were visited by a technical expert, compared to a negligible 1.3 per cent of households headed by

[34] S. Agurto and A. Guido, *Los derechos de propiedad de la tierra de la mujer nicaragüense* (Nicaraguan women's land ownership rights), International Foundation for Global Economic Development, http://www.basis.wisc.edu/event_land%20policy.html#documents.

women. It should be borne in mind, however, that INTA, among others, also provides assistance to women who are not landowners or heads of household.

193. Rural women have been a top priority in the activities of the Nicaraguan Institute for Women since its inception, and this has not changed in recent years. Most of the Institute's efforts in this regard have been made through the Inter-institutional Commission for Women and Rural Development, whose purpose is to promote women's involvement in rural development, focusing in particular on women's access to land, credit and technical assistance.

194. The initiatives carried out include the following: (a) from June 1999 to July 2000, design and implementation of a project to assist the Government of Nicaragua, and in particular the Nicaraguan Institute for Women, in setting up a programme for rural women; (b) in 2001, formulation of a gender policy and strategy for the Ministry of Agriculture and Forestry; (c) for the first time in Latin America, introduction of the gender perspective in the agricultural census form (for the third national agricultural census); (d) in 2002, conclusion of the process of formulating and institutionalizing the plans of action and — through ministerial administrative decrees — the policy statements of four of the seven agencies represented in the Inter-institutional Commission (INTA, the Rural Titling Office, the Rural Development Institute and the Ministry of Environment and Natural Resources), as well as, the plan of action of the Commission itself; (e) coordination with the Inter-Agency Group on Gender and Sustainable Agriculture and the Federation of Female Rural Producers in order to join forces in working for equal opportunity for rural women; (f) launching of the Rural Women's Forum on the theme "Give rural women credit" in the framework of the 2002 observance of World Rural Women's Day.

195. Mention should be made of the formulation and presentation in February 2001 of the Equal Opportunity Policy for Rural Women and the related Plan of Action, including a statement of principles regarding the concepts of gender equality and equity, in line with the institutional profile of each agency participating in the Inter-institutional Commission for Women and Rural Development.

Article 15
Equality before the law and in civil matters

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

196. The equality of all Nicaraguans before the law is enshrined in article 27 of the Constitution. Nicaragua has ratified the International Covenant on Civil and Political Rights, the Optional Protocol thereto and the American Convention on Human Rights, all of which recognize the equality of women and men before the law.

197. Under the Civil Code, in force since 1904, women have a legal capacity identical to that of men. Accordingly, women can freely exercise that capacity by concluding contracts, even with their own spouse; administer property; and personally appear before a court of justice, without the need for representation by a lawyer, to assert their rights.

198. Although efforts to ensure genuine and cost-free access to justice have come up against serious obstacles, the Supreme Court has implemented a number of positive actions in favour of women. By the end of the reporting period, the judicial branch had built into its approaches and methods of work two areas crucial to women's human rights: promoting equal rights and combating violence against women. The first measure consisted of mainstreaming a gender perspective, in line with international legal provisions on women's human rights in the administration of justice, and implementing the Plan of Action and the declarations of the four meetings of women supreme court and constitutional court judges of Latin America and the Caribbean and the Tenerife and Cancún Declarations, adopted, respectively, at the sixth and seventh Ibero-American Summits of Presidents of Supreme Courts and Tribunals of Justice.

199. To enhance women's access to justice, the Supreme Court has taken a number of specific measures, including the following: (a) establishment of a National Gender Commission in the judicial branch of the Nicaraguan Government; (b) creation of a gender mainstreaming programme in the Judicial School; and (c) mainstreaming of the gender perspective in the Code of Criminal Procedure reform process, particularly with regard to gender-based violence. This last measure resulted in the preparation of an assessment of evidentiary procedure in cases of domestic or sexual violence against women, children and adolescents in Nicaragua, the design of a protocol for dealing with offences involving domestic abuse and sexual aggression, the training of a multidisciplinary team (comprising officials of the National Police, public defenders, female judges, Institute of Forensic Medicine staff and NGO representatives) in implementing the protocol and the conduct of a course on forensic psychology, with emphasis on domestic and sexual violence.

200. Under the Supreme Court's Strategic Plan of 2002, the following measures were taken to enhance women's access to justice: (a) implementation of a pilot project for providing access to justice to low-income social groups in various parts of the country; (b) promotion of rural women's access to justice through the expansion of the Programme of Rural Judicial Facilitators, for whom an early mediation manual has been drawn up; (c) establishment of service, mediation, information and orientation centres (CAMINOS) to provide alternative dispute resolution services in remote Atlantic coastal areas, using customary law as a basis for community mediation; (d) implementation of a care programme for victims of domestic or sexual violence in the autonomous regions of the Caribbean coast.

201. In line with article 16 of the Convention, the judicial branch has taken measures to eliminate discrimination against women in all matters concerning family relations. Accordingly, plans have been formulated for a pilot project in the

area of strengthening the system of justice with regard to the family and reforming laws that discriminate against women.

202. The right of all persons to freedom of movement is enshrined in article 31 of the 1987 Constitution, which provides that all Nicaraguans have the fundamental right to move and take up residence in any part of the national territory and to enter or leave the country freely. However, the 1904 Civil Code contains legal residence provisions, which are still in force, requiring married women to live in the domicile of their husband's choosing. It is therefore necessary to align civil legislation with constitutional provisions by adopting a Family Code.

Article 16
Marriage and family law

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

203. The Constitution defines marriage as the voluntary union between a man and a woman and enshrines the right of all Nicaraguans to form a family through marriage or a stable common-law relationship. The Civil Code provides that free and full consent is the only requirement for entering into marriage, with no restrictions other

than those relating to age, civil status, legal formalities and the absence of any legal obstacles to the marriage.

204. Family relations are based on respect, solidarity and absolute equality of rights and responsibilities between men and women. Parents have equal responsibility for maintaining the household and for all aspects of their children's upbringing and education, and enjoy equal rights in that respect. Nevertheless, the Civil Code still contains provisions which name the man as head of household and representative of the family, or, in his absence, the woman. Civil legislation must therefore be brought into conformity with the constitutional provisions recognizing absolute equality between men and women in all spheres of life.

205. In Nicaragua a marriage between children is not considered to have any legal effect. In accordance with article 2 of the Children's and Adolescents' Code, a child is defined as a human being below the age of 13 years. Although the Convention on the Rights of the Child, ratified by Nicaragua, defines a child as a human being below the age of 18 years, that definition is clearly incompatible with the Civil Code provisions relating to marriage. The Code provides that the minimum age for marriage with parental authorization is 15 for men and 14 for women and that the minimum age for marriage without such authorization is 21 for men and 18 for women.

206. In Nicaragua a woman is not required to take the surname of her husband; that is a voluntary act based more on social custom than on compliance with any law.

207. The Parent-Child Relations Act gives both parents equal rights and responsibilities for the care, nurturing, education and maintenance of their children. All children have equal rights, meaning that no discriminatory designations may be used with respect to filiation. However, there is still no law specifically establishing women's right to decide freely and responsibly on the number and spacing of their children.

208. The Constitution guarantees the right to inherit family property, which is immune from seizure and free of any public tax. However, there is as yet no implementing act on family property to fully apply that provision of the Constitution.

209. The articles in the Constitution relating to the family have not been complemented with implementing legislation. This situation is exacerbated by the lack of a Family Code, which has been awaiting adoption by the National Assembly for the past 11 years.

Violence against women

210. In its general recommendation No. 19, adopted in 1992 at its eleventh session, the Committee on the Elimination of Discrimination against Women took the important decision to officially broaden the general prohibition of gender discrimination to include gender-based violence (paragraph 6), defined as "violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty".

211. The Committee recommended that States parties should take appropriate and effective measures to overcome all forms of gender-based violence. Those measures

should include penal sanctions, civil remedies and compensatory provisions, as well as preventive measures, such as public information and education programmes and protective measures such as support services for victims of violence.

212. The Government of Nicaragua, first through the efforts of women's organizations and subsequently through cross-sectoral and inter-institutional collaboration, has in recent years made every effort to determine and recognize that violence against women represents a violation of human rights; has a very high human and material cost; has a tremendous impact on the quality of life of individuals, particularly women, as shown by the resulting physical and psychological trauma; is a major public health and safety problem; and constitutes an offence punishable by law.

213. As a result of efforts to encourage reporting, awareness and education, data for the period 1999-2002 show an increase in the number of complaints filed at women's and children's police stations; between 2001 and 2002 the number of complaints rose by 33 per cent, from 6,284 to 8,367.

214. Women most often file complaints for the offence of battery, and account for an increasing proportion of the victims of that offence. In 1998, 7,448 women, or 46.6 per cent of the total number of battery victims, were women. Those figures have continued to rise, to 8,990 (47.7 per cent) in 1999, 10,313 (50.4 per cent) in 2000 and 12,250 (51.8 per cent) in 2001. Most of these are domestic violence cases: in 2002, 10,004 out of a total of 24,153 cases, or 40.4 per cent, occurred in the home, leading to the arrest of 7,784 perpetrators, of whom 7,028, or 90.2 per cent, were men. Women accounted for 12,818, or 52.4 per cent, of the total number of battery victims.

215. The Nicaraguan National Police, recognizing the effect of gender violence on society, has been undertaking structural, organizational and procedural reforms since 1993. By the end of 2002, thanks to those reforms, complemented by international assistance, 14 women's and children's police stations had been established and put into operation as a specialized instrument for combating and reducing domestic violence.

216. These initiatives have been bolstered by a project to set up a service network for women, child and adolescent victims and survivors of domestic and sexual violence. The project involves the National Police, the Red de Mujeres contra la violencia (Women Against Violence Network) and the Nicaraguan Institute for Women. In practice, the police have become the main gateway to the network, as shown by the fact that in 2002 they dealt with 21,284 individuals (9,032 more than in 2001) in connection with complaints or for other reasons, and referred 9,072 individuals to the various State centres and institutions offering medical, legal, psychological and social services to deal with the problem.

217. Between 1999 and 2002, a number of measures were adopted to eliminate violence, including: (a) development of the National Plan of Action for the Prevention of Domestic and Sexual Violence, which defines the standards and commitments that the State institutions and civil-society organizations concerned must meet between 2001 and 2006; and (b) since 2000, efforts by the Ministry of Health to promote the development, adoption and implementation of standards and procedures for addressing domestic violence cases, a basic tool for the establishment of guidelines for those dealing with individuals affected by domestic violence, through an interdisciplinary effort by the national health-care sector. Local domestic

violence prevention and care networks and the Ministry's own computer systems have also been strengthened.

218. The National Commission on Violence against Women, Children and Young Persons, for which the Nicaraguan Institute for Women serves as executive secretariat, has continued to play a coordinating role between Government and civil-society institutions with a view to joining forces to respond to the problem of domestic violence. The members of the Commission are high-level officials of 18 Government and 4 civil-society institutions.

Part Three
Factors and difficulties affecting the fulfilment of obligations under the Convention

219. In spite of the great progress made during the period covered by the report, one of the main obstacles to the fuller implementation of the Convention's provisions is the existence of discriminatory practices which have a negative effect on the fulfilment of the principles, objectives and targets established in the legal, institutional and policy framework relating to gender equity and equality in the country.

220. It has been difficult to increase awareness and acceptance of the importance of promoting and protecting women's rights in building a State based on the rule of law, and of the importance of women's participation as full partners in and beneficiaries of the social and economic development of the country; that has likewise clearly limited progress in implementing the provisions of the Convention.

221. The limiting factors must be considered in the context of the poverty or extreme poverty in which a large percentage of the population lives, including a disproportionate number of women. Nicaragua is the second-poorest country in Latin America and the Caribbean and is marked by a highly unequal pattern of income distribution.

222. The domestic legal framework must be further harmonized with the international treaties ratified by Nicaragua for the promotion and protection of women's rights, existing legislation must be applied more effectively and women's access to justice must be facilitated, with particular emphasis on women from the most marginalized groups, such as poor, rural and indigenous women and adolescent girls.

223. Nicaragua has not yet ratified the Optional Protocol to the Convention.

224. In the area of preventing and addressing domestic violence there has been progress in making more institutions available to facilitate the filing of complaints, the judicial process and victims' exercise of their rights. Nevertheless, there are still delays in trials and judicial decisions.

225. Despite efforts to draft a law on equal opportunity for women, which would update the legal framework for women's rights and interlink and strengthen existing State policies, plans and programmes, no such law has been adopted. The difficulties in this regard reflect a lack of consensus between political forces and the various stakeholders in the women's movement.

226. Implementation of the gender equality and equity agenda is still overly dependent on resources provided by international partners because the State budget

has not allocated enough resources to institutions promoting the advancement of women or to the gender policy framework. It should be stressed, however, that the gradual mainstreaming of the gender perspective in national policies (the national health plan and the national education plan, among others) is opening up opportunities for mobilizing political and financial support for gender issues.

227. The fact that the Nicaraguan Institute for Women is part of the executive branch, together with its insufficient budget, limits its capacity to have an impact on the institutions and other Government authorities in order to reach a position where it could ensure the adoption of a gender equity approach within the Government.

228. Despite the progress made in reducing the total fertility rate, there are still significant differences between desired and actual fertility, which are related to women's level of education, place of residence, income and ethnic group. Of particular concern are the relatively high rates of teenage pregnancy and maternal mortality, which reflect a lack of access to health information and basic health services. In the light of this situation, reducing maternal mortality has become a priority, not only for the health sector but also for the Enhanced Economic Growth and Poverty Reduction Strategy, which set targets in this area.

229. Consequently, there is a need to continue strengthening women's right to safe motherhood, as one way of enhancing their economic and social development. To this end, continued improvements will be made in their access to family planning information and services, the quality of prenatal care, the proportion of hospital births, the promotion of care for complications of childbirth and the operation of maternity houses (*casas maternas*).

230. The ongoing process of demographic and epidemiological transition makes it necessary to redefine health priorities, given the changes in morbidity and mortality indicators. This is particularly the case among women, who show an increased incidence of cervical, uterine and breast cancer; however, rates of early detection are still too low as a result of cultural problems and insufficient access to health services.

231. The various forms of discrimination which women encounter in the workplace, whether in the formal or informal sector of the economy, call for greater efforts to enforce labour laws, shrink the gender pay gap and improve women's working conditions, especially in the maquila sector and domestic service.

232. Women's limited land ownership and the absence of a public policy establishing mechanisms to boost their access to credit perpetuate inequalities in women's economic and social development, particularly in the rural areas. Continued efforts are necessary to improve women's access to credit, land and technical assistance.

233. There is a need to spread awareness of specific laws on the protection of Afro-descendent and indigenous women with respect to their languages and to specific protective measures concerning the recognition of their land and/or territorial rights. Campaigns are needed to raise the standing of black and indigenous women as a way to counter the social stereotypes that hold black women back and lower their status, particularly in the labour market and in the emotional sphere.

234. Institutions that produce information need to make further efforts to provide data and statistical analyses that reflect the gender perspective, so as to have an impact on the formulation of public policy.

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